

RECONSTRUCTION

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RECONSTRUCTION

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# Slavery Reconstruction

Excerpts from newspapers and other sources

From the files of the  
Lincoln Financial Foundation Collection

**Reported Suggestion by the President.**

A letter in the Cincinnati Commercial, dated at Frankfort, Kentucky, on the 31st ult., says:—

"Gen. Green Clay Smith, Congressman elect, has just returned from Washington. I travelled with him today from Covington to this place, and during our trip he told me that while at the National Capital he had an interview with Mr. Lincoln relative to the issue of a proclamation offering a general amnesty to all now in arms against the Government who ground their weapons of rebellion and come back to their allegiance. He advised the President to guarantee full protection to the persons and property of all returning prodigals—using the general term 'property' to include slaves as well as houses and lands. Mr. Lincoln said he would not revoke one line of his proclamation. Gen. Smith did not want him to do so, but simply asked that repentant rebels be permitted to test the legality of the edict in the civil courts. The President expressed himself perfectly willing that they should do this, and said he would abide by the judicial decisions when made. The interview was quite satisfactory to both parties. In conclusion Mr. Lincoln said he thirsted neither for the blood nor the property of the rebels. The war could not terminate too soon for him: but, if at its close it was found that the institution of slavery had suffered, its friends and not he would be to blame."

9/11/63

BOSTON A. V



#### AMNESTY AND PEACE RUMORS.

*New York, 8th.* The Tribune's Washington despatch says the rumor that President Lincoln will offer a generous amnesty to the rebel rank and file gain credence in influential quarters. It is known that Secretary Seward was to meet the President at Richmond on the day of his accident by a summons from the latter.

Gen. Grant also telegraphed to the Secretary of War requesting that no one be permitted to visit Richmond for the present, while rumor asserts that commissioners, official or self-constituted, from Alabama, Georgia and North Carolina are in that city and in conference with the President.

The Times's Washington despatch gives an extract from a New Orleans letter, which says Col. Woolley of the 26th Ohio arrived in that city a few days ago, with important despatches to the government, supposed to look toward a peace movement on the part of the State.

The rebel Gen. Barringer has arrived at Washington and through a written order from the President has had an interview with the Secretary of War.

BOSTON ADV

## Envoy's Letter Termed Lincoln Friend of South

**P**RESIDENT Lincoln's conciliatory policy toward the South was clearly sensed at the time of his death by members of the foreign diplomatic corps stationed in Washington. This is shown by a dispatch sent a few days later by the Swedish minister to the United States, H. af Wetterstedt, to the foreign minister of Sweden, Count Manderstroem.

For the information of the Swedish government it summarizes the political situation in Washington following Lincoln's death. The Swedish archives are automatically opened after 50 years, and this letter has therefore become available to the public:

"Washington, April 18, 1865.

"His Excellency Count Manderstroem, Minister for Foreign Affairs, etc.:

"News of the tragic occurrence which took place here in the evening of Good Friday, the 14th, was dispatched to Europe via two mail steamers which left New York the following day and is now known everywhere. I also take the liberty of inclosing a number of newspaper clippings describing the crime in great detail. I have nothing further to add, but will confine myself to relating the present state of affairs.

"The condition of Mr. Seward Sr. is as good as could be expected; there seems hardly to be any doubt about his complete recovery. He has not for a moment lost consciousness. His elder son, Frederick Seward, assistant secretary of state, who received a fractured

skull from a blow of the murderer's revolver butt, has been unconscious up to yesterday morning, when he regained his consciousness and has not since relapsed. His condition is precarious, although there is good hope that his life also may be spared. The younger son, major in the United States army, received some knife stabs, which did not cause any damage to speak of.

"The President's murderer is supposed with certainty to be an actor by the name of Booth—he has not yet been apprehended. This morning a man, called Suratt, has been arrested here in town as being strongly suspected of having committed the attempt at murder in Seward's house. Rumor's maintain that there are several others involved in the case and that the plan was to assassinate several of the members of the cabinet.

"Public opinion considers the leaders of the secession as the instigators of the crime, but there is no positive ground for this belief. I cannot and will not believe it. They could hardly have been ignorant of the fact that in President Lincoln they have slain the most tolerant of their opponents and robbed the Conservative party in the North of its best spokesman and mightiest support. The same might be said of Mr. Seward. The same day that Mr. Lincoln fell for the murderer's bullet he had expressed in the cabinet his desire to let the leaders of the opposition leave the country unharmed and that they should be assisted with money, if necessary.

"The plan for the reconstruction of the Union which the President outlined in his public speech the 11th, namely, that the people in the secession states be allowed to form new local congresses for themselves and elect representatives to the congress in Washington has yielded to their objections. As a consequence of this, a planned meeting of the members of the local legislature and other important men in Virginia approved of by the military governor of Richmond—if not by a higher authority—to consider whether the state should again join the Union has been forbidden and General Weitzel has been recalled from his command.

"The new President, although originally from one of the slave states—Tennessee—is supposed to adhere more strongly to the opinion of those who demand a severe punishment of the rebels.

"President Lincoln's funeral will take place tomorrow, Wednesday, at 12 o'clock. The diplomatic corps will be present in traditional mourning. Place has been assigned us, this time on our suggestion, next to the President and his cabinet. We have through a deputation expressed our desires to offer our condolences to President Lincoln's oldest son, major in the United States army, as the representative of the family. The offer has been graciously declined. All houses in Washington are draped with black. The grief over Lincoln's death is general and deep felt.

"Department of State,

"15th April, 1865.

Letter from Professor Newman.

The following is a letter from Professor F. Newman, of London:

"London, April 17, 1865.

"Frank W. Ballard, Esq., Secretary of the New York Young Men's Republican Union.

"Dear sir: I have on several occasions received valuable pamphlets from your society. (especially important speeches of the honorable Charles Sumner), for which I have never returned thanks, though I have always valued your favors. I think that in the present hour of your triumph over Richmond and Petersburg, with the disintegration of Lee's army, I may without intrusion send you, with thanks, my warmest congratulations. Out of this baptism of blood you emerge not only with a new consciousness of indissoluble oneness and tried mutual trust, which can bear not death only but frightful torture, such as the wickedest of wicked powers has inflicted on your noble soldiers; but, also, if you resolve that the blood and tortures of your martyrs shall buy its righteous fruit—universal justice to the weakest members of the community—you are from this day the queen of nations, the hope of the oppressed, the leading state of the world, the noblest and the strongest. Strength is from justice only. The least remains on your statute books (local or central) of legislation against color will be a confusion and a weakness to you. You have discomfited your enemies in the field; it remains to triumph over the prejudices and false passion, which those enemies, in their long years of dominion, diffused in northern hearts.

"As you value your own future, as you cherish and honor the martyr blood, I implore you to remember in the hour of success that you must be just before you are generous. The colored man must receive *every right* before conquered slaveholders receive *one favor*. The latter cannot plead, "Give us this and that at the expense of the negro, *to save bloodshed*," for they exhausted all their force and carried bloodshed to the worst, (and torture, too,) refusing to sue for peace. Establish absolute *right* in your land, and you will need no war and no threats to England and France. You will in three years be so strong that all malignants here will bow down and worship you; our poor will bless you, and God, who guides all hearts, will bestow on you manifest supremacy.

"Forgive my writing thus to the Young Men, being myself now among the elders. With warmest delight to have such a congratulation to make I beg to sign myself, Heartily yours,

"FRANCIS W. NEWMAN,

"Late Professor at University College."



#### THE SPIRIT OF THE SOUTHERN PEOPLE.

If they are only let alone by the insidious and reckless rebel politicians, there is fair promise that the southern people will at once settle down to their agricultural and other industries, and become peaceable and contented citizens of the Union. The paroled men of Lee's army, with a few exceptions, are making their way homewards, full of good nature, and eager and thankful to return to their families in peace. We are informed by an officer of Sherman's army that a correspondent of a Cincinnati journal, who left Sherman's headquarters, thirty miles from Raleigh, on Tuesday of last week, rode with two orderlies three hundred miles through North Carolina, to Suffolk in Virginia, where they arrived safely on Monday.

He was not molested in his journey through what was a month ago enemy's country; he met numbers of rebel soldiers on their way South, who bade him "God-speed," but in no instance were even uncivil. The following extract from last Sunday's *Times* details the adventures of another newspaper correspondent, who journeyed in Southern Virginia through a different region, but in equal safety:

"After witnessing the surrender of Lee's army at Appomattox Court House, I had a great desire to know to what extent the people of Virginia, who were at home, acquiesced in that event as a return to the old order of things, for such it was considered throughout the rebel army. With this object in view I started off, accompanied only by a servant, and thus travelled through portions of Appomattox, Prince Edward, Nottingham, Dinwiddie and Prince George counties, encountering on the way the late members of the Northern Army of Virginia. W. H. F. Lee's men, Rosser's men, Fitzhugh Lee's men—singly and in squads; some who had been paroled; more who had not; some without arms, but more carrying a gun, pistol or knife, and sometimes all three—all going home. On the line of the Danville Railroad it was no uncommon sight to see men from both armies walking along together as if they never belonged to hostile forces.

"The one absorbing idea with all was that the

country was at peace again, and they were intensely gratified at the prospect of immediately returning to civil life; they felt released from the trammels of Lee and Davis, and no power on the earth, I venture to assert, can ever force these men from their homes again to fight against the Union cause. Indeed, the rebel soldiery seemed to have been completely transformed by the capitulation of Clover Hill; and they now talk as glibly of 'our country' (meaning the United States) as the most devoted of the Union supporters.

"The people everywhere seemed to interpret the surrender of Lee as a surrendering of the whole cause for which the country has been submerged in blood during the last four years. What a change! One week before this it would have been the height of folly to travel about alone; my life would not have been worth a rush. Now, without knowing exactly why, I felt perfectly safe, and was safe; for, in a ride of one hundred and fifty miles, I did not see one threatening look or hear one unkind word. The people were more prone to tears than hard words—to agricultural pursuits more than the pursuit of Yankees.

"It seemed impossible that so great a change could have taken place in so brief a time. Soil that had not been under cultivation for two years, owing to the turbulent times, was now being prepared for seed on every hand. White flags were everywhere displayed, and it was no uncommon thing to see women in tears—some overjoyed, others mortified at the result. One lady, smiling through a shower of pearly drops, said to me, 'Well, sir, I hope you are now satisfied; we are at last subjugated.' 'Did it hurt you much?' I inquired, pleasantly; and the person addressed at once made herself agreeable, and before I left her frankly confessed that subjugation, after all, was more a bugbear than anything else. This I found to be the prevailing sentiment. The people, almost without exception, hold the fire-eaters of South Carolina responsible for all their troubles in the Union, and Davis and Lee are now blamed for their final discomfiture."

The people of the South are evidently glad to get home again, and willing to return to their peaceable and long-neglected industries. It is possible that here and there some one of the rebel leaders will try to stir them up to new rebellion, or to make them uneasy by misrepresentations and incendiary appeals. We trust, if any such abandoned wretch appears, he will fall at once into the hands of the military authorities, and receive promptly the punishment which such barbarism merits.



## The Constitutional Guaranty of a Republican Form of Government.

LETTER FROM ROBERT DALE OWEN.

To the Editors of the Evening Post :

Now that we nearly approach the meeting of a Congress before whom will come questions of graver import and more lasting results than any that ever awaited the assembling of a national legislature in our country, suffer me, through your columns, briefly to invite the attention of the members-elect and of the public to a clause in the Constitution to which recent events have given an unlooked-for importance; and to a practical recommendation which, if brought forward by the proper men in the proper way, will, I think, command two-thirds of the votes in either House.

A word or two of preface touching the President and his recent policy.

Many good men think that he has placed too much confidence in the southern ex-rebels; that he has pushed the Christian principles of forgiveness and conciliation beyond their prudent limits; and that he has been expecting and facilitating the political rehabilitation of the late insurgent states at a day too early to consist with the public safety and with the future domestic tranquillity of the republic.

That may be, and the President himself may, to-day, perhaps admit it. But let us not, therefore, too hastily conclude that any harm has been done. It is seldom unwise to tender the olive-branch even to the unworthy. After a great national outbreak, clemency should first be tried; nor, in practice, can we continue through a long term to treat whole communities as culprits.

The South, wedded to her idols, has not responded to the magnanimous overtures of the President. Such, I doubt not, will be the judgment of Congress. Upon that judgment I believe Congress will act; and, if it does, no impediment, I feel assured, will be thrown in its way by our Chief Magistrate.

Andrew Johnson's past career is, in many respects, a noble one; and I do not believe that he will falsify it. I call to mind that, at Nashville, little more than one year ago, he declared to a large assemblage of negroes that "loyal men, whether white or black, shall alone control the destinies of Tennessee;" and I remember when from the vast crowd of freedmen there came a voice claiming him as their Moses to lead them to the promised land, he replied: "Humble and unworthy as I am, if no other and better shall be found, I will indeed be your Moses, and lead you through the Red Sea of war and bondage to a fairer future of liberty and peace."

Conversing, a few weeks since, with a thinker and a distinguished member of Congress—Henry Winter Davis, of Maryland—gentleman expressed

his opinion that the national constitutional guaranty to every State that its government remain a Republican one, was that Mr. Davis were a member about to convene, there to urge, on every occasion referred to, his reason and opinion. It is, beyond doubt, do well to look narrowly at the legitimate results.

It is the people of the whole of their national government, one state through their conv. legislature, who have the right. It is imposed the duty, to see that state are, and remain, republican in form (Sec. 4.) And the whole people, as a single state, are by the Congress judges of what is a republican government.

If a state of the Union were to proclaim a monarchy, Congress would have the right to reject her representatives. But a republican form of government may be subverted by indirection as effectually as by proclamation of a monarchy. A state has a right, within certain limits, to decree the qualifications of her voters. But any qualification may be pushed beyond the point of republicanism. And when this happens, it devolves upon the national government to enforce the constitutional guaranty.

A state, if it see fit, may require a property qualification; as that a voter shall be a taxpayer or a householder; but if it push the principle so far as to require that he shall possess a hundred thousand dollars, then large masses are disfranchised, and the republican form of government is violated thereby.

A state, if it see fit, may require a literary qualification, as that a voter shall be able to read the constitution of his country: but if it push the principle so far as to require that he shall understand Sanscrit or read Homer in the original Greek, then large masses are disfranchised, and the republican form of government is violated thereby.

A state, if it see fit, may require a qualification of birth, as that a foreigner shall have been a three-year resident before he is entitled to vote; but if it should push this principle so far as to disfranchise all persons of foreign birth and their descendants, during lifetime, then large masses would be excluded, and the republican form of government would be violated thereby.

So, also, if a state disfranchise, because of race, the fiftieth part of her population, her action may violate justice, yet fall short of working a substantial change in her form of government. (*De minimis non curat lex.*) But if the number excluded by this qualification of race from participation in self-government amount to one-third or one-half or two-thirds of her entire population, then large masses are disfranchised, and the republican form of government is essentially violated thereby.

If such disfranchisement be temporary, then it amounts to a temporary suspension of the republican form.

That the republican form, in the hitherto received American sense of the term, was not violated by the exclusion from suffrage of persons not free and of "Indians not taxed," is inferable from the constitutional provision on that subject (Art. 1, sec. 2); but as to native-born free citizens, of whatever race or color, owing allegiance, and paying taxes to the government, the Constitution, from its first article to its last, discriminates not at all between them. We have the same constitutional right, and no more, to disfranchise one class or race of these as another. A state that disfranchises large masses of them substitutes the oligarchical form for the republican. And Congress neglects a constitutional duty if it permits this.

The right to check a state which should habitually violate, or temporarily suspend, a republican form of government, was wisely placed in the nation's hands; for such violation or suspension endangers the national unity—imperils domestic peace. Slavery, though tolerated by the Constitution, did substantially violate the republican form, and the late rebellion was the ultimate result.

At the present juncture, when the danger is that this constitutional provision regarding a republican form of government may be violated in the persons of four millions of native-born citizens of African descent, an additional important consideration presents itself. Loyalty is scarce in the South, and it is precisely the most loyal portion of the southern people who run the risk of disfranchisement. We may safely calculate upon the vote of the negro population, in mass, being cast for national representatives who will vote with us on all great national questions: as against repudiation of our debt, or assumption of the rebel debt. They will sustain us on such questions, not because they have financial knowledge or political experience, but because they have

sagacious instincts. They understand who are their friends; they understand that their safety depends on voting with their friends; and they will do it.

There are two things, then, to be considered in this matter; our duty and our interest. They happen to coincide. God has decreed that if we neglect our constitutional duty we suffer our political allies to be disfranchised; in other words, we permit to be deprived of suffrage, to the number of four millions, the friends of loyalty and the Union.

That is one side of the question. The other relates to expediency and public opinion.

Prejudice, when it pervades large masses of a population, ought to be recognised as a fact, and treated, to some extent, as a power. A wise legislator perceives its error without despising its influence. The moral world moves slowly, and it is difficult, sometimes dangerous, to overhurry its pace.

To such considerations much of the President's action is doubtless to be ascribed. The sun was more powerful than the wind in causing the traveller to discard his cloak. But forbearance, though an eminent duty, is often mistaken for weakness by the self-sufficient and the overbearing; and there is a large heaven of self-sufficiency and overbearance still at work in the South.

The world is not yet prepared (witness the last four years!) literally to practise, in the conduct of national affairs, Christ's injunction, when a man smites us on one cheek to turn the other also.

And as in the lives of men, so in the career of nations, there is a tide leading to fortune, which must be taken at the flood. There are certain conjunctures occurring now and then in national affairs, which, if we pass them by, return not for generations of men. We may sniffer long in "shallows and in unseries," not alone for sins of commission, but more severely yet for seasons of action neglected and golden opportunities unimproved.

We shall have a majority, even of two-thirds, in the Congress which is soon to convene. There will come to that Congress applications by representatives from the late insurgent states. To these we are bound to listen. But we are not bound to receive them without due time allowed for committee action and for reflection. We are not bound to permit a dilution of the loyal working element in Congress, until, undiluted, it shall have done whatever is its necessary work. The four years upon which peace has now closed ought to have taught us much. They ought to have taught us that it is our bounden duty to provide not only against immediate, but against prospective dangers. They ought to have taught us the wisdom of Vattel's interpretation of the right of war when he says (Book III., section 41, 5): "If the safety of the state lies at stake, our precaution and foresight cannot be extended too far. Must we delay our ruin till it has become inevitable? \* \* An injury gives a right to provide for our future safety by depriving the unjust aggressor of the means of injuring us."

If we allow our late enemies, by permanently shutting out four millions of negroes from votes

for President and Congressmen, to obtain for themselves, the whites of the South, twice as much political influence, man for man, as we of the North possess, we are, in my judgment, leaving them, as Vattel expressed it, "the means of injuring us." If they employ these means to our injury a second war may ensue; for we have become, in a measure, accustomed to the arbitrament of the sword, and the North will not tamely tolerate from the South in the future what she has endured in the past. For the sake of both sections, then—for the sake of permanent domestic tranquillity—let us do what is necessary for safety while our present majority gives us the power to do it.

Whatever is really demanded by prudence and foresight we ought to do in the manner least offensive to our southern fellow-citizens. Some offence, to the haughty and turbulent portion of



these, we must give, and it is culpable weakness to shrink from it.

But these are generalities. Let us come to a definite proposition.

If the framers of the Constitution had anticipated such an insurrection as we have just quelled, I do not doubt that, besides giving Congress the right to determine the times, places and manner of holding elections for Congressmen, they would have given that body the further right to determine the qualifications of voters as well for Congressmen as for President. These are national offices; and I think it would have been expedient to vest in the nation—not in the separate states—the right to determine how they should be filled. I am quite sure that, in the present temper of the South, it is not safe to suffer each state to determine the qualifications of electors of federal officers. The qualifications should be uniform in all the states, and the representatives of the nation should determine these.

I propose, therefore, that Congress, *before admitting members from the late insurgent states*, should take the initiatory step so to amend the Constitution that the qualifications of voters for President and Vice-President and for Representatives in Congress shall be determined by Congressional or constitutional authority. I think it best, to ensure permanent uniformity in a matter so vital as this, that the amendment should set forth, specifically, the qualifications to be required of the electors in question, at least in part. It should be provided that race or color shall not be a qualification, and that the ability to read the Constitution shall be.

It would be well to incorporate in the same amendment a provision that President and Vice-President shall be voted for *directly by the people*. The intervention of electoral colleges (a provision virtually annulled by public opinion) has long been a mere dead letter incumbrance; and, as such, should be erased from the Constitution.

As to the literary qualification—the ability to read—it has in its favor at this time two recommendations; one temporary and of expediency, the other of principle and eternal. For, first, it is a compromise offered to the South on the negro-suffrage question, shutting out for the time being probably nineteen-twentieths of the African race; and, secondly, it is the first step in the assertion of two great principles—the one, that the accident of race shall not exclude a free citizen from self-government; and the other, that while monarchical Europe commonly selects property as a suffrage qualification, republican America substitutes for it the test of intelligence.

There are, it is true, exceptions to every rule, and, of course, there are to be found intelligent men who cannot read; but if these men have obtained such accurate political information as every voter ought to possess, they have collected it as a sailor shipwrecked on a desert island might wrest a living from the ground by cultivating it with a mason's trowel. They are almost in the benighted condition of men before the discovery of printing. They have not possessed themselves of the modern implements of knowledge. They should be required to procure these before they are admitted to exercise the solemn duty of suffrage.

We need something to remind us that it is a solemn duty. Suffrage has, of late years, and especially in our great cities, gradually come to be not only cheapened, but, in a measure, dishonored and degraded. That cannot continue and increase without endangering our very form of government. Anything which tends to elevate suffrage in the eyes of those who exercise it, tends to the perpetuity no less than to the morality of the republic.

Some will object to the amendment proposed, that it is insufficient for present purposes; being a compromise under which we should lose, for a generation of men perhaps, the vote of a very large majority of the negro population; and that we cannot afford to lose so large a loyal vote in

an emergency like the present. There is force in the objection. But in this slow-moving world it is often the question not what *should* be done, but what *can* be done. And the move, if it be not as great a stride as is desirable, is, emphatically, one in the right direction. We obtain a firm basis on which to build hereafter; and the evil which it falls at once to eradicate will be diminishing year by year. No generation of men will elapse before the negro, free at last to enter the school-house, will have learned to read there. The incentive, alike to illiterate blacks and whites, to make up for lost time will be powerful beyond any other, perhaps, that law can create.

I have reason to believe that such a measure will be introduced in the early days of next Congress, by one of its ablest members; and that it will find favor in the highest quarters. It is not all that, in justice, ~~it may be~~ all that, in practice, we shall be able to obtain.

Nor, if such an amendment is incorporated in the Constitution, can it be alleged that the North seeks to impose on the South provisions as to suffrage which some northern states are themselves unwilling to adopt. Public opinion in the North will sustain it. Nor yet will there be pretence for assertion that state rights are invaded, since the measure affects voters for federal officers only.

The North has the power, by making such an amendment a condition of readmission, to secure its adoption. She will evince little prudence or foresight if she suffers that power to pass from her hands.

As to the civil rights of the negro, if Congress admit a single ex-insurgent state without seeing to it that these are constitutionally secured, the representatives of the nation will be doing worse than to neglect their duty in guaranteeing a republican form of government; they will be making the nation an accessory to an outrage on civilization. To deny the negro the right to testify in a court of justice is an act not of disfranchisement but of outlawry.

States have the right to pass laws regarding vagrants and paupers. But a state has no constitutional right to incorporate in any such laws, or in any laws whatever defining the civil rights of free persons, a provision restricting their effect to any particular race of men. A state cannot, for example, constitutionally enact a vagrant law that shall apply only to citizens of Irish descent. Such a law would be in violation of a republican form of government, to say nothing of its certain result; it would be the signal for an insurrection among the Irish all over the land.

The public desire is strong that fraternal relations between the lately warring sections of our country should be speedily re-established. That is well. To be reconciled to a brother is better than an altar-gift. Peace is a God-like visitor. But if she come with her white robes sullied with injustice, brief will be her sojourn among us.

Let not our eagerness for tranquillity, then, betray us into concessions alike perilous and dishonorable. We are in danger of this. One of the wisest of modern writers on public affairs has said: "When a nation has been wearied by long strife, it will submit to be duped for the sake of peace."

I am, Sir, your obedient servant,

ROBERT DALE OWEN.

New York, November 22, 1865.



### THE RIGHT COURSE FOR THE SHIP.

When the storm has blown over, seamen begin to repair damages. Jurymasts are rigged to replace those which were carried away by the gale; new sails are dragged out of the lockers and bent to jury yards; standing and running rigging is spliced, set up and rove; and one by one the indispensable pieces which make up the motive power of the vessel are replaced. But while the skill and energy and perseverance of the crew are thus employed day and night, the captain's first and constant care is to lay his ship upon her true course; that what way she makes, however little, shall be in the direction of her proper port, and even if she drifts, she may drift towards her haven.

What seamen do after a great gale, is our business just now. Our ship has been for these many months storm-ridden; and now, that at last the gale has subsided, all hands are called to make good the losses and repair the breaks. There are many things to do, and as at sea, so here, the heavy ground-swell which lasts for many days after a great gale, makes the footing insecure and the needful labors toilsome, difficult and often dangerous. But while the busy crew work, it must be the first and chief duty of our captain to lay the ship upon her true course, and see to it that she is held there. If we drift, let it be in the direction in which we would steer, and if we have ever so little headway, let him take care that we point right.

Whatever we do, let it be done in the right direction. That all men are equal before the law, and equally entitled to protection from injury, and to the just rewards of labor, and that free discussion, by press and voice, is a sacred safeguard of the republic—these are the points which above, under, and in all schemes for "reconstruction," we are constantly to bear in mind. There are many ways to rig a jurymast, but only one way to lay a course. There are many ways to carry out the details of "reconstruction;" but whatever method is adopted, in one state or another, whatever expedients may seem best to secure the desired ends of re-establishing order and industry, the motive power of society, in the South, let us take care that none conflict with the fundamental principles on which our safety depends.

The workingmen of America begin to see that their rights are not secure so long as any one of their number, whatever his color or condition, may be oppressed, and robbed of the fruits of his toil. To compel one man to labor without wages is to lower the wages of all his neighbors. To wrong one class of workingmen is to strike at the rights of all. When we free the slaves of the South, we free all labor there, and all labor in the whole Union, which suffered, and was robbed, because these three millions were compelled to work without pay. Mr. Lincoln's Emancipation Proclamation will add a shilling per day to the wages of every day-laborer and mechanic in the Union for twenty years to come. To make free the slaves is to open the whole South, an area greater than the free states, to

free mechanics and laborers. The free laboring force of the country before the war was confined to the free states—when all the states are free, all will alike afford them employment and wages. And more than this, the new enterprises, the development of the almost untouched natural resources of the South, will increase an hundred fold the demand for industrious and skilled labor.

All Americans of the free states are agreed that discussion, by voice and press, should be free. Even in a time of war and public danger, a great party insisted upon the widest liberty of speech and writing. There is no doubt that if this right had been protected in the South, the people would have been too well informed to suffer the slaveholding conspirators to mislead them. But in the slave states freedom of discussion was not tolerated, because slavery could not bear discussion. They stifled press and voice to perpetuate a gross wrong; it is our duty to insist that wherever our flag floats, there an American citizen may say what he thinks, to whoever chooses to hear him.

If we establish these two points we are safe. While men are free and while the press is free the republic will not go far wrong. It may lurch to one side or the other, but it will constantly forge ahead, and in the right direction. If we neglect these points we shall go wrong, and fall back into the old slough, no matter how shrewdly or cunningly the multifarious details of reconstruction are managed. When we say "the people" hereafter, it must not be of a part of the people we speak; and when we praise "freedom of the press," it must not be freedom to speak only on certain subjects. Wendell Phillips and Lloyd Garrison have the same right to speak in Montgomery or Richmond or Charleston that Toombs had to speak in Boston, or Jefferson Davis in Portland, or Yancey in Cincinnati, before they became traitors. The Union is not safe and peace is not secure until an honest American citizen can travel the length of the land without having his opinions called in question, except in fair debate.

It is very true, as the slaveholders used to say, that it is impossible to maintain slavery if free speech is permitted—and that is the very reason why slavery must be rooted out wherever it exists within the Union. Matthew Stevenson of Tennessee wrote, in 1834: "We hold it wise policy in every government to make it the interest of all its subjects to support, defend, and perpetuate its civil institutions;" and he asked "Is it reasonable to suppose that any would desire the permanent existence of that government which denied to them all the rights of freemen?" The true way to secure permanent peace and a lasting and fraternal Union, is to ensure to every man within our bounds the full exercise of the rights which Jefferson declared inalienable—"life, liberty, and the pursuit of happiness." If we make sure of these main points, the details will certainly fall into harmony with them, and all will go right.



LITTER FROM ROBERT DALE OWEN.

Shall There be Guaranties for the Future, or Shall Restoration be Unconditional?

THE DISFRANCHISING SECTION.

Shall Each State be Admitted as it Ratifies the Constitutional Amendment?

To the Editor of The N. Y. Tribune.

SIR: I take exception, in these days, to no contrarieties of opinion touching the proper mode of restoring harmony between the late belligerent sections of our country. That is a problem which may tax the best energies of the wisest among us, and in regard to the solution of which the ablest may differ. But if the task before us is difficult, it is not hopeless; not, I firmly believe, doubtful even. I have faith in the people. I have faith, stronger still, that God, who forsook us not in the gloom of the Rebellion, will guide us now when the scene of combat is changed from the field of battle to the election precinct and the legislative hall.

The essential is, that we approach this great subject in a fitting spirit. It avails nothing to talk about the enormity of secession and the condign punishment it merits. The punishment of nations is in other hands than ours. If the judgments of God have not already stamped Slavery as a sin and treason against a beneficent government as a crime, in vain are the efforts of man in that direction.

Nor let us, in our indignation, forget how that sin of Slavery, the cause of the Rebellion, originally came upon the South, against her own will, against her solemn protest. In December, 1770, the King of Great Britain commanded the Governor

Virginia, "under pain of the highest displeasure, to assent to no law prohibiting the importation of slaves." Virginia, in April, 1773, addressed the King in remonstrance, saying to him these remarkable words: "The importation of slaves, a trade of great inhumanity, will outdangle the very existence of your Majesty's American dominions." Maryland and Carolina followed that lead.

But aside from this, what so unphilosophical and unjust as the spirit of the Pharisee? It is due to a geographical accident that we were not horn slaveholders in the City of Charleston. Dare we assert that, if we had been, we should have been juster men than they—more scrupulous about living by the labor of others? Shall we stand up, in the temple of our own self-righteousness, and say: "God, we thank Thee that we *withstand* as other men, or even as these South Carolinians?"

We can never, indeed, forget—God forbid that we should!—the terrible consequences of treason; the hardships, the sufferings, the lost lives, the parents and widows bereaved, the countless thousands of homes made desolate, among us. But to avert evils in the future better befits a Christian people than to avenge injuries of the past. Let us learn of the despised and the lowly. Is it we only who have injuries to requite? What were our sufferings during the war compared to the thousand wrongs perpetrated, throughout generations, against the millions of Southern slaves? But, though the iron entered into their souls, did they return evil for evil? Did they forget, when the day of liberation dawned, the words of the text: "Vengeance is mine, I will repay, saith the Lord?"

If there be among our people a revengeful element, let us not pardon to it. If we impose conditions before we restore political rights to those who, defying law and Constitution by force of arms, become public enemies, it ought to be in defense, not in requital.

"If we impose conditions." To a dispassionate look-on it must seem strange that, here in the North, that should be a question at all. At the close of a four years embittered war—producing a radical change in the legal and social condition of four millions of people, creating two vast antagonistic public debts, and entailing a thousand diversities of interest between millions on one side and millions on the other—it would be a thing incredible that Government could be properly or safely resumed without stipulation or precaution, as if nothing had happened. At such a juncture in our national affairs, wise precautionary measures are as strictly a dictate of duty as they are clearly a matter of right.

As to the right in this case, the speco I prescribe to myself forbids more than a few words, even if I deemed it more necessary than I do formally to argue a question so plain.

I shall not, therefore, here broach the speculative inquiry what is the precise legal status of the late insurgent States. A mere technical view of a great subject is always a con-

tracted one. Questions involving the life or death of nations, are not decided by fine-drawn theories. Good Abraham Lincoln, with that sagacious common sense which marked the man, when alluding, in the last speech he ever made, to the disputed point whether the seceded States "are in the Union or out of it," said: "That question has not been, nor yet is, a practically material one; and any discussion of it while it thus remains practically immaterial can have no other effect than the mischievous use of dividing our friends."

Neither shall I institute any inquiry as to our power, at this time, to impose conditions precedent to restoration. If, by the sacrifice of 300,000 lives and 3,000,000,000 of treasure, the North has not won the right to decide what guaranties are needed to avert, in future, the perils and sufferings of the past, then the chapters on War and Peace in the code of International Law are so much waste paper; then no rights can be obtained by conquest; then the sword is a worthless weapon, fitted only to destroy, impotent to save.

Ere we deny such a right we must blot from the books some of the best known and most universally recognized principles of public law. We must reject the accepted doctrine that civil war is subject to the same general rules as foreign war, or else we must refuse to assent to what every publicist of repute has set forth (and what common sense suggests) as among the most important of national rights and duties; the rule, namely, that a nation, especially a victorious nation, ought to protect itself not only against immediate but against prospective dangers. Deriving all rights attendant on conquest from "justifiable self-defense," Vattel says:

"When the conqueror has subdued a hostile nation, he may, if prudence so require, render her incapable of doing mischief with the same ease in future. \* \* \* If the safety of the State lies at stake, our precaution and foresight cannot be extended too far. Must we delay to avert our ruin till it has become inevitable? \* \* \* An injury gives a right to provide for our future safety by depriving the unjust aggressor of the means of injuring us.—Vattel, Book III., §§ 201, 44, 45.

To us, and not to the "unjust aggressor" who appealed to the wager of battle and lost, belongs, at this time, the right to decide what guaranties are needed for the public safety, and how that "unjust aggressor" shall be rendered "incapable of doing mischief with the same ease in the future." Dearly we paid for that right! We shall commit a folly unparalleled in the annals of nations if we neglect to use it.

But if all things are lawful for us, all things are not expedient. Thus, though due time must be taken for the maturing and consummation of precautionary measures, yet, on the other hand, one section of a Republic containing a fourth of its inhabitants cannot, except for a season, safely be shut out from Federal representation. Therefore the political rights of the States lately in insurrection should be restored to them at the earliest day consistently with the peace and safety of the country.

The dangers attendant on unconditional restoration, which threaten that peace and safety seem to me three in number; two of a political, the other of a financial character.

First. The difficulty, partly solved by the war but remaining open yet on certain points, growing out of race.

On one branch of this subject little need be said. Except by the hopelessly prejudiced it is conceded that, in a Republic, all freemen, no matter of what race, must be secured in what are called civil rights. As to the mode of conferring, or the manner of enforcing, opinions may differ; but the principle itself is denied by no party deserving the name. Men are agreed that the negro is not to exist among us as an outlaw, debarred from owning land, excluded from the witness-box, or from courts of law, or from the rights of the testator, or subjected to punishments from which other races are exempt.

But the question of suffrage remains—a more embarrassing question. My own preference is not for immediate, universal suffrage, but for a Constitutional provision looking to the future; suffrage then to be qualified as each State may elect, but without discrimination of race; perhaps thus:

SEC. —. From and after the fourth day of July, 1876, no discrimination shall be made by any State nor by the United States as to the enjoyment, by classes of persons, of the right of suffrage, because of race, color or previous condition of servitude.

Prospective equality of suffrage, with a novitiate of ten years for the colored man: the Centenary of the Declaration a day of jubilee and enfranchisement. That is my preference. I believe, that if, in Congress and in the Northern Legislatures, the battles were fought bravely on that issue, it would be won: and, once won, all sectional agitation on the subject of races would cease; for men acquiesce in the inevitable, and speedily adapt themselves to it.

Ultimately it must come to this. A nation must act up to its principles of Government, whatever they are, if it would secure, in permanence, its domestic tranquillity. England has withheld, until this day, from millions of her adult subjects, the right of suffrage; but she never professed that all were entitled to it; she has no national declaration that all men are free and equal; it is not among her political axioms, that taxation and representation must go together.



A majority in Congress, however, appear to be of opinion that it would endanger the success of a constitutional amendment to incorporate in it even prospective equality of suffrage. To this opinion I surrender my preference. It is not treason to principle to advance toward a great reform one step at a time. If to attempt two steps at once is to hazard the consummation of the first step, it is practical wisdom to refrain. Nature effects all things gradually, the element of time enters into all her operations. Time alone effects deep-rooted prejudices, and

prejudices, nurtured through generations and shared by millions of men, is as much a fixed fact as the existence of a sunken rock in the entrance-channel of a harbor. The statesman who regards it not is no wiser than the mariner who should run his vessel against that rocky obstruction, because it ought not to be there. We should conciliate sectional prejudice, so far as prudence and conscience permit. The limit is, a due consideration for the Right and for the public safety.

I am content, then, to see civil rights asserted, and to await the action of time on the question of suffrage, provided we offer, by Constitutional Amendment, to the late insurgent States, strong inducement ultimately to act, in this matter, up to republican principle.

We can do this, in strict accordance with justice between the two great sections of our country, by a provision regulating the basis of representation. Such a provision is of unspeakable importance, not alone as an incentive to justice, but as one of those measures of "precaution and foresight" which, in the extract from Vattel already quoted, we have seen justified and recommended, "to provide for our future safety by depriving the unjust aggressor of the means of injuring us." It might be added, "of the means of injuring himself;" for we have one common cause as we have one common country; and in the safety of one section of the Union is involved the safety of the whole.

This brings me to consider the second of the dangers incident to unconditional restoration.

The eleven States lately in insurrection are inhabited by two races, in the proportion (taking our data from the census of 1860) of about 54 to 36; (in these eleven States, 5,449,463 white and 3,653,870 colored,) in other words, three-fifths are white and two-fifths colored. In two of these States the colored exceed the white in number; (South Carolina, white 291,388, colored 412,330; Mississippi, white 353,901, colored 437,404.) In several others the numbers of each approach equality. Louisiana, white 357,629, colored 350,373; Alabama, white 526,431, colored 437,770; Georgia, white 591,538, colored 467,693; and Florida, white 77,748, colored 62,677.)

It so happens that the race numbering two-fifths of the population of these States are, with very few exceptions, loyal to the Union and friendly to the North; while the race numbering three-fifths are, by a large majority, tinged with secession heresies and unfriendly to the Northern people. I make this latter statement not as an imputation but only as asserting a fact well-known and a result which, under the circumstances, is very natural. The sword conquers, it does not convince; and the vanquished are not wont to love the victors.

It will happen also, in case no provision touching suffrage enters into an amendment to the Constitution, that the race numbering three-fifths will have the power to exclude from voting the two-fifths. If they do so, the Constitution remaining unchanged, then, on an average, every three white voters throughout the 11 States lately in rebellion will have as much political power in Congress and in all Presidential elections, as every five white voters throughout the Northern States.

We cannot, even by amending the Constitution, wholly remedy this inequality; because no State, without its consent, can be deprived of its equal suffrage in the Senate. (Constitution, Art. v.)

But as to members of the House of Representatives, there is a constitutional remedy, by providing that if the colored race are not admitted to the polls neither shall they be included in the basis of representation. These eleven States are entitled, under the present apportionment, to fifty-eight Representatives. They would be entitled, under a purely white basis of representation, (the divisor, see Census, page 23, being 127,000,) to about forty-two Representatives only.

This would reduce the electoral vote accordingly, but, because of unchanged representation in the Senate, not so as fully to equalize, even then, political power as between Northern and Southern whites in a Presidential election, the South would still have the advantage. And that can only be prevented by so amending the Constitution that the President shall be eligible directly by the People.

It will be observed that, while the basis of representation remains unchanged and the suffrage question undetermined, two results will follow: First, the ex-Secessionists of the South are allowed to weed out from among their voters, to the extent of two-fifths of the whole, that particular class which is known to be almost unanimously loyal; and secondly, in virtue of this weeding-out, these ex-Secessionists clothe themselves with a measure of political power altogether out of proportion to their numbers. Under the plan of prospective suffrage for which I

have expressed my preference, both these results, so greatly to be deprecated, would have been ultimately averted. The direct correction of the first, it would seem, Congress has resolved not to press. That is conceding much. The reasons in favor of a constitutional remedy for the second, before a people endowed with common sense, are absolutely overwhelming. A more statement of the case supercedes necessity for argument.

If the States of Mississippi, Louisiana, Alabama, Georgia, Florida, see fit to debar from suffrage their negro population, is the result of such exclusion of a loyal element to be that they will have nearly twice the political influence, voter for voter, that is enjoyed in the States of the North? Is our political system to remain so constituted that the first mover and prime agent in bringing on that war which put in imminent peril the Union itself shall be the chief gainer in political power by the giant iniquity she instigated? Is South Carolina, the arch conspirator, to be rewarded for her complicity in the Rebellion and her exclusion of loyal men from the polls by this, that hereafter, so long as she deprives her colored people of suffrage, every white voter within her borders shall have twice and one-third as much political power in Presidential and other Federal elections as a white voter in New-York or in Ohio? It is not enough to declare that this would be an unparalleled folly and a flagrant injustice. I do not content myself with asserting that such an anomaly in our democratic system would outrage the very principles upon which that system rests. I say that the permanent existence of such a feature of sectional inequality is an impossibility. Let Alexander H. Stephens and others who proclaim that it is just, and imagine that it is possible, know this, that the North would renew the war to-morrow rather than endure it.

The wording of the section intended to remedy the injustice, is, as the House Chairman of the Committee whence it came, has admitted, objectionable. It ought not to pass in its present shape, if for no other reason than this, that one of its practical effects is to impose a penalty on any State which may see fit to make reading and writing, or the payment of a poll-tax, a qualification of suffrage. Let us not, in an effort to cure of injustice, commit another. It falls in this also, that it effects but partially, and in a form difficult if not impossible to carry into practice, its avowed object.

The third danger attendant on unconditional restoration, that of a financial character—is the risk that efforts may be made to procure acknowledgment of the so-called Confederate debt and compensation for loss deemed to be incurred by emancipation of slaves. It does not suffice that we should be protected against the actual assumption of the Rebel debt and against payment for slaves; we must be secured, also, against the damaging effect, on our finances, that would certainly follow the mere agitation in Congress of such questions. This security can be obtained by a constitutional provision only.

Such are the dangers incident to our situation, as we emerge from a four years Rebellion that has left no slave on our soil. An article amendatory of the Constitution, framed to avert these dangers, should provide:

First—Equality of civil rights.

Second—A just basis of representation.

Third—A prohibition to assume the Rebel debt or to pay for slaves.

Such an article will accord with the views of the President, as heretofore distinctly expressed by himself. In his message vetoing the Civil Rights bill, while he condemned the details he approved the principle. He has more than once assented to the propriety of so altering the Constitution as to conform the basis of representation to the number of voters. And he himself imposed on the ex-Rebel States the condition, precedent to restoration, that they should repudiate the Rebel debt and relinquish claims of compensation for slaves.

Place such an Article, in plain and effective language, before our Northern Legislatures, and a year is not more certain to roll around than is that Constitutional Amendment to be ratified before its close.

Omit, on the other hand, to propose such an amendment; attempt to proceed without such guarantees; and the expectation of permanent harmony between the two great sections of our country will be an idle dream. It will be but a vain crying of "Peace! Peace!" when there is none.

These guarantees of domestic tranquillity once obtained, I think we may safely concede easy terms to those who were lately our enemies in war, and are now, in peace, our friends.

I see no sufficient cause for excluding, especially by constitutional provision, from a vote for the next President and for Congressmen during four years to come, all who voluntarily adhered to the late insurrection. The non-excluded, under such a rule, would scarcely number a single million of whites throughout the late insurgent States; one thirty-fifth part, let us say, of the whole population in 1863. These eleven States, even under a restricted basis of representation, would be entitled to 42 Representatives and 22 Senators; therefore to 66 electoral votes. As the total electoral votes fall short of 320, that would be more than one-fifth of the whole. Shall we permit, in a Republic, one thirty-fifth of its population to cast for Chief Magistrate one-fifth of its entire vote? Surely a very hazardous

ardous and questionable experiment! And to what practical end? For a decade, at least, the North must depend upon her own votes. A vote against us has but the force of a single vote, no matter what intensity of political heresy may be entertained by the voter. Every one of these men will be our opponents on all sectional questions; and, whether it be Tom or Dick or Harry who comes, matters little. The plain spoken, if they be political ultraists, may be the least dangerous. The number is the important thing, not the shade of opinion held by the individual. Let us see to it that the votes are not too many, and let us take our chance of the rest.

I am content, also, to see each of the late insurgent States admitted, as soon as it ratifies an amendment of the character referred to, and modifies its constitution and laws in conformity therewith. The adoption by the Northern States of the

amendment cannot be reckoned among doubtful things; and even if it were lost, that would be the fault of the North, for which the South ought not to suffer. Nor, if Tennessee sees the error of her way and reforms, is there any just cause why her political rights should be withheld until South Carolina also sees fit to repent. That each State should be responsible for its own action only, is natural justice; and, as such, the people, whose instincts are true, will be sure to regard it.

Beside this, it is wise policy to present to each of the late seceded States separately such inducements as are likely to detach them, at the earliest day, from their present associates. Thus shall we break the faggots from the bundle of Secession, one by one.

This is an additional reason why the proposed provision to disfranchise four-fifths of the Southern voters for Federal offices until 1870—a provision most odious, as it must be, to the South, and therefore a serious obstacle to her acceptance of any constitutional amendment in which it is incorporated—ought not to be adopted.

If we declare certain classes ineligible to Congress, either for a period of years or for life, they should not, I think, be numerous; a few only of the chief offenders, in vindication of the principle: say an exclusion, for 10 years, of those persons who, having been officers in our army or navy, or members of the XXXVth Congress, or having held seats in the Cabinet or on the Federal bench in the year 1861, violated their oaths of office by deserting their posts and joining the Rebellion.

These precautions taken, let us throw wide the gates of restoration. Sectional estrangement must have an end, some day or other. "A husband and wife," said Lincoln, "may be divorced and go out of the presence and beyond the reach of each other, yet the different parts of our country cannot do this. They cannot but remain face to face; and intercourse, either amicable or hostile, must continue between them."

Human dissensions become more and more aggravated the longer the dissentients remain apart. Bring men together on familiar terms, and half their prejudices and quarrels beat themselves.

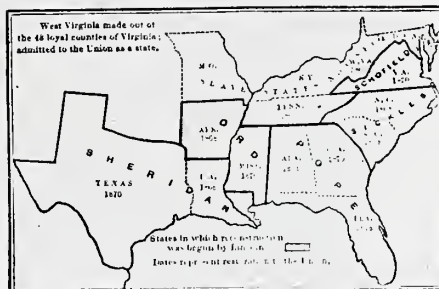
Do we fear the result? Are we afraid to encounter, in the legislative hall, those whom we met and conquered on the battle-field? Something we must risk. Blessed by such guidance through the darkness of the past, shall our faith fail us now? Let us learn courage of stout old Milton. It was he who said: "Let Truth and Falsehood grapple. Whoever knew Truth put to the worse in a free and open encounter?"

I am, Sir, your obedient servant,

Washington, May 15, 1866.

ROBERT DALE OWEN.





THE MILITARY DISTRICTS OF THE RECONSTRUCTION ACT OF 1867

## THE REBELS AND NEGRO SUFFRAGE.

Albert Pike Protests Against the Rebel Policy—  
Deceiving Freedmen Denounced.

The retirement of Albert Pike from the editorship of the Memphis Appeal has already been announced. He explains his course in an article of over two columns. We refer to the matter again, not because we think his movements of any individual importance, but because they indicate a split among the Southern Democrats on the negro suffrage question. We have heretofore printed extracts from leading Southern papers, going to show that the rebel politicians are willing to promise the freedmen everything to secure their votes, but really intend to reduce them to a state of actual if not nominal slavery as soon as they come into power again.

Pike does not belong to this class. He is unwilling that the colored people should have any rights, at all, and despises the hypocrisy that would delude the blacks by making engagements with them never designed to be kept. He says:

In the Convention lately held at Brownsville, it was deemed wise and politic by a large majority of the members (the vote of the delegates from Shelby county being divided, but the majority in favor of the resolution) to adopt a resolution in the following words:

"Resolved, That if the freedmen of this State unite with the Democracy, and by their votes secure the enfranchisement of the white men that are now disfranchised, that common justice, and common gratitude demand that we should not disturb them in any of the rights they may now possess."

I am not in the least disposed to make factious opposition to any measure which the majority of the party of which I am a member, may judge expedient. But when I believe that a measure or a policy is big with incalculable and perpetual mischiefs, that it is a terrible mistake, that it yields up everything, concedes the justice and wisdom of the Congressional legislation, and leaves us no vantage ground to stand upon, I can not yield these opinions to those of others, how much soever I may respect, how much soever I may sincerely regret to differ with them.

When we bind ourselves to secure permanently to the negroes the right to vote, and when we place negro orators on the stand by the side of white men not to address the negroes only, but to expound the policy of parties and discuss the great questions of the day, for the edification and instruction of white men and white women; and when the speeches of these orators are reported in the public journals, and spoken of in terms of praise, and with disparaging comparisons between their oratory and that of white men who speak before and after them, we justify not only the emancipation of the negro, but the gift to him of the right of suffrage and of holding office; for we most broadly admit that he is not only fit to be free, but fit also to vote and to hold office, and that he is, in intellect and eloquence, at least, the equal of the large majority of the white race. We believe that he is not fit to be free, much less fit to vote. That there are a few exceptions in no wise proves the fitness of the race.

I, for one, will not admit, for it is not true, that justice required universal suffrage. I will not admit that negro suffrage is no wrong to the white race, provided the negro will vote for Democratic candidates. I will not admit that they have any right, on the score of fitness or any other score, to a voice in the making of laws or the administration of the Government. To do so, whether by words, or by actions more expressive than words, is to confess that Stevens was a wise and just legislator; and that Sumner is a far-seeing and patriotic statesman.

We have all denounced negro suffrage as an unmitigated outrage. We have cried aloud and spared not against it. The English language has not sufficed to supply words in which to express our detestation of the despicable men who have forced it on the land. If we now accept the negro as our equal, and consent that he shall always vote, if he will but vote now to enfranchise us, do we not admit that all our clamor and outcry against negro suffrage and negro supremacy were without foundation in reason; and that the negro is a marvelously proper person to vote and hold office—when he votes the Democratic ticket? It seems so to me.

\* \* \* You complain that military commanders and Radical Legislatures compel the free admission of negroes among whites on steamboats and railway cars. You represent this forced association of the races as an insult and outrage, intolerable to the white race. Can it be so, when the people about whom you are so solicitous see with complacency negroes seated upon the platforms by the side of white men, who are of the highest consideration in the States which you so profoundly pity on account of negro suffrage? Can it be so, when a candidate for Congress and one who was a Confederate General precede, and one who was a Confederate Senator, perhaps, follows a negro speaker?

This is one of the soundest rules of morality, and honest dealing: "Let the measure of thy affirmation, or denial, be the understanding of the party with whom thou contractest. It is highly dishonorable to make a contract with another, or any promise to him, and permit him to understand it is in another sense than that in which we understand it ourselves, intending at the proper time to take advantage of that misunderstanding, and so not keep the promise, or perform the contract, according as we permitted him to understand it."

To place negro speakers upon the platform with white men, is to admit their fitness to exercise the elective franchise, and the equality of the two races. How, after that, can we take from them the right to vote on the ground that they are unfit to exercise it, or that this is a white man's government, in which none of the African race are entitled to have a voice?

It is certainly intended that the negro shall understand that the Democratic party binds itself to concede to all of them who vote the Democratic ticket the franchise, and privilege of voting during all time. I do not believe that one in ten of those who are bound by this pledge, mean to be bound by it in that sense. Besides the ambiguity of the phrase, "rights that they may now possess," the resolution only binds those whose promise it embodies to secure these rights in case the disfranchised whites shall be enfranchised by the negro vote. If this should not be effected by but against that vote, is there any pledge given to those negroes who, not numerous enough to be a majority of their race, and color, nevertheless vote for our enfranchisement, and do all they can to restore to us our rights? If it was intended to guarantee to these, however few, the right to vote, will not the Radical orators ask, Why was this not plainly said in so many words? Why make the guarantee to any dependent on the vote of all or a majority?

I do not think that any large number of the negroes of this city will vote for Seymour and Blair or Leftwich. Very few of them, I think, believe a word of that which Democratic orators say to them. They understand the Brownsville resolution in the sense which their Radical leaders impute to it. The large mass of them stand immovable, sullen, stubborn and stupid, malignant and revengeful, under the Radical banner, and believe in the gospel of Jacobinism and the apostolate of Mr. Barbour Lewis. Some, more shrewd, meet with duplicity what they deem duplicity, pretend to be Democrats, talk Democratic doctrine as far as they understand it, collect all the money they can from those whom they cajole and at whom they laugh at in their sleeve; and give private assurances to those of their own race and color who are too thoroughly identified with radicalism to be able to play the same game successfully, that when the election morning comes they will be found "voting all right."

1868



# HANCOCK'S RECORD.

## Precisely What Order No. 40 Meant and How it was Enforced.

### How it and its Author Won the Pleading of the Secessionists and Their Sympathizers.

Detroit Post and Tribune.

Gen. W. S. Hancock's "civil record" is admitted by his supporters to be confined to his administration as the commanding officer of the Fifth military district under the reconstruction acts. It was also that "record" which brought his name into prominence as a presidential candidate in 1868 and 1876, and which secured for him last month the support of Louisiana and Texas delegations at Cincinnati, and the friendship of many of the other Southern members of that convention, and thus made his nomination possible. What is that "record?" The following facts concerning it are given as the result of a careful examination of the pages of Appleton's Cyclopaedia for 1867-8, of the United States statutes for the same year, of the congressional debates of that period as found in the Globe, of the official reports of the War Department, and of the files of the New York Tribune, then edited by Horace Greeley, General Hancock's predecessor as a Democratic candidate for the presidency:

The most important question confronting the government immediately after the cessation of active military operations against the rebellion was that relating to the government of the conquered States. Their constitutions, laws, officeholders and white people were hostile to the spirit of the Union, and it was of the utmost importance that loyal communities should be organized on the ruins of the Confederacy. How this work was embarrassed by Andrew Johnson's political treachery will appear from this extract from a history of that era.

Andrew Johnson was a thorough representative of the "poor whites" of the South. He felt their jealousy of the planting aristocracy which monopolized political power in his section, and this made him such a vigorous opponent of the secession conspiracy which that oligarchy organized and led. But he also shared in the prejudice of his own class against the negroes, and, when he saw the disposition of the Republicans to accord to the freedmen equal rights and privileges before the law, he refused to join in that movement and set doggedly about defeating such plans. \* \* \* When he took the first step in unfolding his "policy" (by his general amnesty proclamation and by the appointment of a provisional governor for North Carolina, both acts bearing the date of May 29, 1865), the "Confederacy" had ceased to exist, its chieftain was a captive, its armies were prisoners of war on parole, its capacity for resistance had been consumed in the furnace of battle, but its bitterness still glowed and the prejudices and ambitions which gave it being were undestroyed. The amnesty proclamation relieved, with a few exceptions, those who bore arms against the government, and the most virulent supporters of rebellion who remained at home from all pains and penalties on the sole condition that they should subscribe to a future oath of loyalty. \* \* \* Colored people were denied the right to acquire or dispose of public property. It was made a crime for a negro to enter a plantation without the consent of its owner or agent. Freedmen were declared vagrants, and punished as such, for preaching the gospel without a license from some regularly organized church. Colored men failing to pay capitation tax were declared vagrants, and the sale of their services was permitted as a penalty. Black people were prohibited from renting or leasing lands except in incorporated towns or villages. Their owning or bearing arms was declared to be a violation of the peace. For a negro to break a labor contract was made an offense punishable by imprisonment. Colored laborers on farms were prohibited from selling poultry or farm products, and it was made a misdemeanor to purchase from them. \* \* \* Some of these infamous measures were adopted in all the insurrectionary States, others in only some of them; but, without exception, the new Southern governments which Andrew Johnson's "policy" created were founded upon the traditions of the slave system and the memories of the "lost cause." The objection that the President had in thus taking the work of reconstruction into his own hands, usurped authority devolved upon Congress by the constitution, was

a strong one, but it received no popular attention. \* \* \* Congress, as part of its stubborn contest with Andrew Johnson, undertook this work. It refused to recognize the pretended State governments or to admit their congressmen. It divided the territory of the conquered States into five military districts, and placed it under the control of the army until a juster system of reconstruction could be applied. It then provided that in the calling of conventions to frame new constitutions colored men should be permitted to vote; that those revised instruments must confer the elective franchise upon all loyal colored people and all whites not disfranchised for rebellion; that the work of the conventions must be submitted to the colored and white people not disfranchised for approval; that the 13th and 14th amendments to the National constitution must be ratified; and that the State constitution so adopted must be submitted to and accepted by Congress.

To make entirely plain Gen. Hancock's share in this work of reconstruction the following extracts from the reconstruction acts are given: The act of March 2, 1867, provided:

"Whereas, No legal State governments or adequate protection for life or property now exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Arkansas, Florida, Louisiana and Texas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and Republican State governments can be legally established. Therefore,

"Be it enacted (1.) That the said rebel States shall be divided into military districts and made subject to the military authority of the United States; and for that purpose Virginia shall constitute the first district, North Carolina and South Carolina the second district; Georgia, Alabama, Florida, the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

"Sec. 2. (afterwards amended) points out by whom the commanders shall be appointed.

"Sec. 3. That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder and violence, and to punish or cause to be punished all disturbers of the public peace and criminals, and to this end he may allow local civil tribunals to take jurisdiction of and try offenders, or, when in his judgment it may be necessary for the trial of offenders he shall have power to organize military commissions or tribunals for that purpose and all interferences under color of State authority with the exercise of military authority under this act shall be null and void."

On the 23d of March 1867 Congress passed one of these supplementary acts, whose second section enlarged the powers of military commanders, as follows:

"The commander of any district named in said act shall have power, subject to the disapproval of the general of the army of the United States, and to have effect until disapproved, whenever in the opinion of such commander the proper administration of said act shall require it, to suspend or remove from office or from the performance of official duties any officer or person holding or exercising or professing to hold or exercise any civil or military office or duty in such district under any power, election, appointment, or authority derived from or granted by or claimed under any so-called State, or the government thereof, or any municipal or other division thereof; and upon such suspension or removal such commander, subject to the disapproval of the general as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed by the detail of some competent officer or soldier of the army, or by the appointment of some other person to perform the same and to fill vacancies occasioned by death, resignation or otherwise."

General Garfield said in the House of these bills when they passed: "They lay their hands on the rebel governments and take the breath of life out of them." Under these acts commanders were first appointed as follows: First district, General Stoneman; Second, General Canby; Third, General Pope; Fourth, General Ord; Fifth, General Sheridan. But General Sheridan's earnest and successful efforts to protect the lives, liberties and properties of the colored and loyal people of Louisiana and Texas, had made him odious to the ultra-rebel element, and on their solicitation, President Johnson, in August, 1867, resolved to remove him. General Thomas, who was then notoriously too ill to accept the place, was first appointed his successor, but the President, on August 26th, revoked the order and appointed General Hancock to supersede General Sheridan. On the 17th of August General Grant protested vigorously against General Sheridan's removal as follows:

"General Sheridan has performed his civil duties faithfully and intelligently, and his removal will only be regarded as an effort to defeat the laws of Congress. It will be interpreted by the unreconstructed element in the South—those

who did all they could to break up this government by arms, and now wish to be the only element consulted as to the method of restoring order—as a triumph. It will embolden them to a renewed opposition to the will of the loyal masses, believing that they have the executive with them."

These prophecies were all too quickly and lamentably verified, and to their fulfillment Gen. Hancock was the chief contributor.

He did not at once go to New Orleans. It was then too unhealthy, and he remained North until November 28, General Griffin and General Mower commanding the Fifth district ad interim. Between the date of his appointment and that of his actual taking of command, Hancock passed much of the time in Washington. He received in an unusual degree marks of Andrew Johnson's confidence and his advice, and was surrounded for weeks by sympathizers with the President and his "policy" of rebel reconstruction. Especially intimate with him were the well-known Democratic lawyers, Jeremiah S. Black and R. J. Walker, both conspicuous opponents of the "reconstruction" legislation. His coming course was also foreshadowed in other ways.

On the 24th of September, 1867, General Hancock was serenaded in Washington by a large body of Democrats; after some brief remarks he was followed by Robert J. Walker, who among other things said:

"Not even the President of the United States, much less any of the subordinate officers, possesses any judicial power whatever. The judicial power, according to the constitution, is vested exclusively in the courts of the country. They alone can pass final adjudication upon the law and say whether it is constitutional or not; but when a law is passed according to the forms prescribed in the constitution, unless it be arrested by the decision of the judicial authorities, the executive officer must, and is sworn, to execute it as one of the laws of the country."

"But, fellow citizens, while I am sure that General Hancock will execute the laws in a true spirit, and according to the meaning that must be placed upon them, I am also sure that he will do it in a spirit of charity and kindness."

This was accepted by the applauding Democrats as meaning that Hancock would be only too glad to avail himself of such pretexts as were possible for enforcing laxly or not at all the reconstruction legislation. This was unquestionably the interpretation given to Mr. Walker's utterances at the time, and General Hancock neither then nor afterward made any protest against it. The telegrams of those days from Louisiana are also full of expressions of delight from the rebel classes at the prospect of General Hancock's coming. On his arrival at New Orleans they surrounded and greeted him with the greatest enthusiasm. Promptly on taking command he issued "Order No. 10."

The phraseology of the order itself does not invite criticism. To show its real character and significance these questions must be answered:

1. What did those interested regard it as meaning then?

2. What did it mean, practically, when its issuer proceeded to apply and enforce it?

3. Were the general principles it enunciated adhered to, no matter whom they might affect?

In general terms it may be said that General Hancock's personal course and the minor regulations which followed up and applied "Order No. 10" caused exultation among the secessionists and their friends, and spread dismay among the Union men and the freedmen of the South. Of many incidents that could be quoted proving this statement space is given to the following:

Andrew Johnson was of course delighted. On December 18, 1867, he sent to the House a special message urging that a vote of thanks be given to General Hancock for his course. The House, on January 6, 1868, laid a resolution to that effect on the table by a vote of 86 to 28.

A Washington dispatch sent on January 22, 1868, to the Charleston News and Courier, bitterly disloyal, said:

"New Orleans is just now the key of the conservative position South. The compulsory resignation of Governor Flanders, with other decided movements now in progress, indicates the beginning of a new regime in the military districts. Hancock is to be made the pioneer in a great flank movement South to restore the unrepresented States, as far as the reconstruction acts will allow, to the basis of civil law. This is said by persons high in the confidence of the executive to be the new policy determined on. The other military commanders will be directed to follow Hancock's lead, or failing to do so, will be removed. It is Mr. Johnson's purpose to have the reconstruction laws fairly carried out. They are deemed outrageous enough as they stand, without any forced radical construction being put on them. In pursuance of this plan it is said that General Hancock's first move will be the following:

"In the State of Louisiana there are 1,000 negroes on the registry of voters who were born in Africa, and have never been naturalized."

\* The government is said to be in possession of a secret circular, issued by General Sheridan at the time registration was in progress, directing



These instructions are of the most sweeping partisan character. Even sextons—the antiquated fossils retained around the country churches for years, and who, of course, being old residents, were not likely to vote the radical ticket—are constrained to be ‘officers of the Confederacy,’ and disfranchised.

“Hancock will issue a commission in every parish to examine the register and strike off the names of all persons illegally registered, and also to take cognizance of all applications for registration improperly refused, and to put these names on the lists. One result of this purging of the registry will undoubtedly be to defeat the constitution which the black-and-tan convention are now hammering out. In other military departments the same policy will probably have a similar result.

“Gen. Hancock’s next proceeding will probably be to convene the State Legislature—not exactly to convene it either; the Legislature is in existence. As Sheridan tacitly recognized its legality by issuing an order prohibiting its assembling, Hancock will rescind that order. The Legislature can then meet and devise some measure for the financial relief of the State government. Other movements of an equally conservative character are in contemplation, but these will be the first carried out. The progress of these measures and their reception by Congress will be watched with much interest.”

The Atlanta Chronicle and Sentinel, then a rabid rebel organ, commended the President’s flattering mention of Hancock, saying: “It will set the radical kowtow howling,” and buoyantly added: “The prospect is brightening. The President should now remove (Gen. Pope) this incubus on the pacification or restoration of these Southern States instantly. This will be a popular card in the hands of the President. It will save these States from the lowest depths of radicalism.” These quotations show the view taken of Gen. Hancock’s course by the rebel press and people. Per contra, this was the comment of Horace Greeley in the New York Tribune on “Order No. 40,” and “special order No. 203,” which followed it and applied its “principles” go-called:

“General Hancock’s order purports to be made with a view to conforming to the constitution of the State of Louisiana, a thing which, if it had any existence, would supersede General Hancock’s authority altogether. \* \* \* If he wishes to issue an order that no negroes shall sit on juries, he ought to have the manliness to do it openly. No State constitution has any more authority over General Hancock than have the laws of France, to whom the territory once belonged.

“Just as the President while trampling under foot the constitutions of all the Southern States, pretended to obey them, so General Hancock, while holding his very office under a law which declares that the Southern States have no civil governments and therefore no constitutions, appeals to the ghost of Louisiana’s dead constitution as if it were living law. \* \* \* It looks as if General Hancock had entered the lists as a competitor with Andrew Johnson, \* \* \* and John T. Hoffman for the next presidential nomination.”

General J. J. Reynolds, commander of the subdistrict of Texas, spoke, in these plain terms, of the effect of Order No. 40:

“It is now claimed that under General Order No. 40, headquarters Fifth Military district, a civilian arrested by a military officer, no matter under what circumstances, must be delivered up to civil custody at once and without any reference to superior military authority. This construction of General Order No. 40 makes the order supersede the law of Congress and renders the military force powerless to execute the third section of the act of March 2, 1867.”

On January 14, 1868, Horace Greeley’s New York Tribune said:

“The former rebels evinced increased bitterness since the arrival of General Hancock.”

On January 4, 1868, the New Orleans Republican published this statement:

“It is boldly announced by leading men that no radical shall speak in this place; that the power of the troops here is not sufficient to protect a radical meeting, and that he who attempts it will fall to his cost.”

The Freedmen’s Bureau report for 1868 (appendix Cong. Globe, 1867-8, p. 460) says:

“Since the policy of General Hancock was inaugurated, sustained as it is by President Johnson, the homicides in Texas have averaged 55 per month.”

The Hancock administration was marked by the steady return to power of the disloyalists of Louisiana and Texas, and by the practical ostracism of the Union element of those States. To such an extent was this carried that on the 17th of January C. C. Antoluc and 42 other members of the Louisiana constitutional convention sent the following appeal to Congress for Hancock’s removal:

“To the Honorable Senate and House of Representatives:

“The undersigned, members of the constitu-

tional convention of Louisiana, anxious for the success of the congressional plan of reconstruction, respectfully urge the necessity of removing Gen. Hancock from command of the Fifth military district as an impediment to reconstruction, and also the necessity for the immediate removal of the rebel officials now in important State and parish offices in this State, and the filling of their places by loyal men.”

“Order No. 40” asserted the supremacy of the civil over the military arm, and said: “Crimes and offenses committed in this district must be referred to the consideration and judgment of the regular civil authorities, and these tribunals will be supported in their lawful jurisdiction.” In January charges were preferred against William Baker, a Republican street commissioner of New Orleans. While the investigation was in progress General Hancock proceeded to arbitrarily remove Baker and also the recorder of the Second district of New Orleans, appointing other men (said to be Democrats) in their place. The city council, assuming that “Order No. 40” meant something, proceeded to take measures under the city charter to fill the vacancies thus created. Gen. Hancock at once removed the entire city council from office for “contempt” of his orders. This fact he reported to Gen. Grant, saying:

“I have removed nine members of the city council, two white and seven others, for contempt of the orders of the military commander.”

Gen. Grant then directed a suspension of these proceedings, whereupon Gen. Hancock remonstrated, saying:

“My self-respect as commander of this district made it absolutely necessary that I should take summary measures, regardless of circumstances with which partisans might threaten me.”

General Grant at once carefully investigated the whole question and rescinded General Hancock’s action, writing to him these words:

“On assuming command of the district you announced in General Order No. 40 of November 29, 1867, that it was your purpose to preserve peace and quiet in your command, and that, as a means to that great end you regarded the maintenance of the civil authorities in the faithful execution of the laws as the most efficient under existing circumstances. Also that when the civil authorities are ready and willing to perform their duties the military power should cease to lead and the civil administration resume its natural and lawful dominion. Under this statement of facts the city council of New Orleans might reasonably presume it to be their right and duty—especially so under the orders of the court and your Order No. 40—to fill the vacancy in the office of recorder as it appears they did from your report of the case dated February 15, 1868. The same facts, too, in connection with the printed reports of their proceedings corroborated in your report, February 15, 1868, preclude the presumption of any intended contempt of the military authority by the members of the city council. There being no contempt of military authority intended by the boards of aldermen and assistant aldermen in the city of New Orleans removed by special orders No. 28, headquarters Fifth military district, dated February 7, 1868, and a proper administration of the reconstruction acts not requiring their removal, said special orders, removing the aldermen and assistant aldermen therein named, and appointing others in their stead, is hereby disapproved and revoked, and the members of the board of aldermen and assistant aldermen removed by it are hereby reinstated, and will resume their duties as aldermen and assistant aldermen of the city of New Orleans, the same as if said order had not been issued. You will please carry this order into effect.”

No commander under the reconstruction acts made a more arbitrary use of military power than this. Other like cases might be cited, but it is unnecessary. As to his course the New Orleans Tribune said:

“If General Hancock prefers to see the civil law take its course, he ought to apply the rule equally in every case.”

The New Orleans Times (disloyal Democrat) also said:

“We trust General Hancock will proceed in the good work which he has so vigorously and virtuously commenced. The public interests require that still further removals shall be made.”

An appropriate conclusion to this branch of the subject is found in this comment of Horace Greeley in the New York Tribune upon this and like transactions:

**“NO COMMANDER IN THE SOUTHERN STATES HAS INTERFERED WITH CIVIL AUTHORITY MORE THAN GEN. HANCOCK.”**

General Grant’s persistent refusal to allow General Hancock to turn over Louisiana and Texas to the rebel element led to that officer’s request to be relieved, and on March 18, 1868, he gave way to General J. J. Reynolds. The record shows that his administration at New Orleans was a systematic attempt to give the Confederates control of reconstruction in Louisiana and Texas, and that “Order No. 40” was a high-sounding document, which was so applied as to gain the applause of the White League, and whose spirit and promise were flagrantly violated by its author.



## MISSISSIPPI'S PROBLEM.

MISSISSIPPI held on Tuesday an election which was of far more than State concern. It was for the choice of delegates to a convention which is to meet in Jackson a fortnight hence to frame a new constitution for the State. A review of the situation seems peculiarly appropriate at a time when the Force Bill and the general question of Southern elections are being discussed throughout the country.

Mississippi had the most stormy experience of all the Southern States during the reconstruction period. One natural reason was the fact that the State was the home of Jefferson Davis. Another was the fact that the negroes largely outnumbered the whites, the first national census after the war showing 444,201 blacks to 382,896 whites. William L. Sharkey was appointed provisional Governor June 13, 1865, and soon issued a proclamation for a convention, which met at Jackson on the 14th of August. On the following day Gov. Sharkey received a telegram from President Johnson expressing his gratification that the Convention had been organized without difficulty, and giving this advice as to its action:

"I hope that without delay your Convention will amend your State Constitution, abolishing slavery and denying to all future legislatures the power to legislate that there is property in man; also that they will adopt the amendment to the Constitution of the United States abolishing slavery. If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English and write their names, and to all persons of color who own real estate valued at not less than \$250 and pay taxes thereon, you would completely disarm the adversary and set an example the other States will follow. This you can do with perfect safety, and you thus place the Southern States, in reference to free persons of color, upon the same basis with the free States. I hope and trust your Convention will do this."

Apropos of this telegram from Andrew Johnson in the summer of 1865, it is well to recall the letter touching upon the same question of negro suffrage which Abraham Lincoln, in the spring of 1864, sent to the Governor of Mississippi's next-door neighbor. Writing, under date of March 13, 1864, to Michael Hahn, Mr. Lincoln, after congratulating him upon having "fixed your name in history as the first free-State Governor of Louisiana," said:

"Now you are about to have a convention, which, among other things, will probably define the elective franchise. I barely suggest, for your private consideration, whether some of the colored people may not be let in, as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help, in some trying time to come, to keep the jewel of liberty in the

family of freedom. But this is only a suggestion, not to the public, but to you alone."

Within a week after its assembling, the Convention of August, 1865, had passed an ordinance declaring that slavery should not thereafter exist in the State, and another declaring the secession ordinance null and void. An election for State and county officers and for representatives in Congress was ordered for the first Monday in October, and the Legislature then chosen met on the 16th of the latter month. The colored citizens had already taken alarm, and at a convention, October 7, adopted resolutions protesting against the reactionary policy which prevailed, and expressing the fear that the Legislature would pass such proscriptive laws as would drive the freedmen from the State, or practically reenslave them. These apprehensions were fully justified by the event, as the Legislature adopted one of the worst of the "black codes"; refused to ratify the amendment to the United States Constitution abolishing slavery; adopted memorials to Congress for the pardon of Jefferson Davis and Jacob Thompson; and did sundry other equally foolish things.

Under the State Government thus inaugurated the reactionary drift was perhaps more marked than anywhere else in the South, and when in 1867 the Republican Congress insisted upon its plan of reconstruction, it was opposed in Mississippi more bitterly than in any other State. Finally, after vicissitudes too tedious to recapitulate, a convention controlled by men loyal to the new order of things framed a constitution under which the State has lived for more than twenty years. The most important features of this constitution, so far as the present problem is concerned, are those which declare that all citizens of the United States resident within the State are citizens of the State, and that no property or educational qualifications shall ever be required for electors, and that this latter provision should not be amended before the year 1885. Lincoln had suggested to the Louisiana loyalists in 1864 the idea of allowing "the very intelligent" of the colored people to enjoy the elective franchise, and Johnson had advised the Mississippians in 1865 to extend the franchise to such of the race as could read and write and possessed a little property. The Southern whites rejected both suggestions, and finally had to accept the theory of suffrage for every negro, whether he knew anything or not, whether he owned anything or not, and in Mississippi's case with the key turned in the lock that forbade any change in the system for nearly twenty years.

We all know how different practice has been from theory. At first, indeed, the black majority, officered by white carpet-baggers, had their way, and the Republicans controlled State offices, Legislature, and Congressional districts. But the white minority steadily grew in power, and in 1875, by the adoption of what came to be known as "the Mississippi plan," carried all but one of the Congressional districts and both branches of the Legislature, and persuaded the Republican Governor to resign by threats of im-

peachment. Since then they "have had everything their own way," the present Governor having been elected without any opposition, while the Democrats have every seat in the Senate and all but seven of the 120 in the House.

As State and local officers are chosen in the odd years, the Force Bill, which applies only to the elections in even years at which Congressmen are chosen, could not help the negroes to recover their rights to a share in the government of the State and counties. The white minority have no fear lest they can continue to carry elections by the same methods as in the past, but they want to find some other way. For some years there has been a growing feeling that an earnest effort ought to be made to devise a legal and just system for getting rid of the ignorant negro vote. Thoughtful men have recognized that the present policy of bulldozing and cheating cannot be permanent, and ought not to be permanent, since it is bound to demoralize the whites as well as the blacks. The Constitutional Convention which meets next month is the outgrowth of this feeling.

Various plans for limiting the suffrage have been proposed and are now under discussion. What is desired is one which will cut off most of the negroes from the suffrage, and at the same time will not disfranchise any considerable number of whites—and this is a difficult result to secure. An educational qualification, for example, would rule out probably three-fourths of the blacks, but it would also take the ballot from one-tenth of the whites, including many ex-Confederate soldiers, and the "soldier vote" is as much a source of dread in the South as in the North. A property qualification would work in much the same way. The idea of a poll-tax was popular until it was pointed out that the Virginia Democrats had tried this device for getting rid of the negro vote, only to find that Mahone got rich. Republicans up North to contribute money to pay the poll-taxes of the negroes, while many of the whites could not or would not pay their own.

The Vicksburg *Commercial Herald*, one of the leading newspapers, is urging with much force a novel plan which it has devised. The situation, it says, is this: "A large portion of the population of this State is so densely ignorant that it must be prevented from ruling by some means, or our lives, liberties, and property will not be safe, and our civilization will be blighted." The proportion of this ignorance is much greater in some counties than in others; in Issaquena, for example, with a dozen negroes to every white, the *Herald* thinks that there are twelve ignorant voters to one intelligent. These differing conditions it would meet by a constitutional provision excluding from the suffrage "persons so very ignorant as to prevent their having reasonably safe judgment of measures to be voted on, or being reasonable judges of the fitness of candidates for office"; and providing for an examination of all persons desirous of voting by three officials in each county, appointed by a board of State officers, which county boards shall

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## The Nation.

decide whether applicants are qualified for the suffrage, subject to appeal to the State board and from that to the Supreme Court. "In a county where there are thirteen very ignorant voters to one reasonably intelligent voter," says the *Herald*, "the boards of examination and registration would trim the ignorance down to reasonable and perfectly safe limits, and everything would work smoothly without any illegal or violent methods." It is obvious that this would be a dangerous power to confer upon any board, and it seems hardly possible that the scheme will prove popular.

The truth is, that the problem is a most perplexing one, and the situation calls for the sympathy of outsiders. It is obvious that the negroes cannot be allowed the power in government to which their numerical preponderance would entitle them, but it is hard to see a method of restricting their votes which will not be objectionable to some element among the whites. The only hopeful feature of the situation is the evident anxiety of the best men in the State to find a solution which will be fair to all concerned.



**F**IFTY years ago to-day President Lincoln issued an official memorandum defining the attitude of the government toward churches in southern territory occupied by Federal troops.

The President laid down the general principle that "the United States Government must not undertake to run the churches." He had been obliged to define officially his position in the matter through the tendency of Federal officers in some sections of the South to attempt to regulate the discourses of Christian ministers and to interfere in the management of church affairs. A particular case in Memphis, Tenn., that had caused much irritation in that city, in which the Federal military authorities had supported one body of church trustees to the discomfiture of another, prompted the memorandum, which was as follows:

"I have written before, and now repeat, the United States Government must not undertake to run the churches. When an individual, in a church or out of it, becomes dangerous to the public interest he must be checked, but the churches as such must take care of themselves.

"It will not do for the United States to appoint trustees, supervisors or other agents for the churches. I add, if the military have military need of the church building, let them keep it; otherwise, let them get out of it and leave it and its owners alone except for causes that justify the arrest of any one."

#### Churches Used by Soldiers.

The question of churches was one of the most trying that developed from Federal occupation of Southern territory. There was scarcely a hamlet in the South or a section of country occupied by farms that did not have its crossroads church.

When the Federals came, many of these churches, by reason of their situation, became points for military concentration. Very often troops were camped around a church and some of the soldiers occupied it as their quarters. From more than one Virginia church the pews were removed to furnish firewood for camp fires.

The military use of churches was not new, and roused far less resentment in the South than the efforts of Federal officers to control the utterances of preachers.

Some of the Southern clergy were extremely bitter against the North and were not sufficiently politic to restrain themselves in their sermons. In a number of instances ministers were forbidden to preach unless they could incorporate in their prayers, where formal prayers were used, a proper reference to the President of the United States.

In some instances prayers were offered, in terms more or less veiled, for the success of the Confederacy, before audiences including Federal officers.

Lincoln had no sympathy with persons who were not loyal to the United

*Albany Argus,  
Mar. 4, 1864.*

States Government, yet he refrained always from interfering in any form of worship that did not embrace actual treasonable utterances. His religion was of the broadest, and he knew no distinction of sect or creed in his dealings with men.

#### Letters to Church People.

That Lincoln acted entirely without bias in dealing with churches and church people in relation to problems presented by the war, is proven amply by his letters.

His correspondence touching upon religious matters is a model of tact and insight. He wrote equally felicitous letters to Methodists or Baptists, and had found not beyond his powers an acceptable letter to Quakers on the subject of war.

Writing in response to a letter from the Society of Friends from New England (March 19, 1862), he had penned these lines:

"Engaged as I am in a great war, I fear it will be difficult for the world to understand how fully I appreciate the principles of peace inculcated in this letter and everywhere by the Society of Friends. Grateful to the good people you represent, for the prayers in behalf of our common country, I look forward hopefully to an early end of the war and return to peace." To this he signed himself "Your obliged friend, A. Lincoln."

Lincoln was not forgetful of the fact that one of his ancestors was a Quaker and always seemed to deal with this sect with sympathetic understanding.

Lincoln's tact in dealing with religious subjects is further illustrated in a letter written May 14, 1864, in response to an address presented to him by a delegation of Methodists. It was as follows:

"Gentlemen—In response to your address, allow me to attest the accuracy of its historical statements, indorse the sentiments it expresses and thank you in the Nation's name for the sure promise it gives.

"Nobly sustained as the govern-

ment has been by all the churches, I would utter nothing which might in the least appear invidious against any. Yet without this it may fairly be said that the Methodist Episcopal church, not less devoted than the best, is by its greater numbers the most important of all.

"It is no fault in others that the Methodist church sends more soldiers to the field, more nurses to the hospital and more prayers to heaven than any. God bless the Methodist church. Bless all the churches, and blessed be God, who, in this our great trial, giveth us the churches."

#### On Defenders of Slavery.

Lincoln was not patient with the clergymen who attempted to defend human slavery, and occasionally had some sharp words for them. In a letter to a delegation of Baptists, who had presented an address from the American Baptist Home Mission society on the subject of slavery, he first thanked the delegation for "thus adding to the effective and almost unanimous support which the Christian communities are so zealously giving to the country and to liberty," and he proceeded: "Indeed, it is difficult to perceive how it could be otherwise with any one professing Christianity or even having ordinary perceptions of right and wrong."

Lincoln trusted himself to quote Scripture to bring out his point against the defenders of slavery: "You read in the Bible, as the word of God himself, that 'In the sweat of thy face shalt thou eat bread,' and to preach therefrom that 'In the sweat of other men's faces shalt thou eat bread,' to my mind can scarcely be reconciled with honest sincerity."

The clerical defenders of slavery had nothing to fear from Lincoln, however, should they ever clash with Federal military authority. His rule was to deal in such matters with the man and not with the church member, holding to the rule he laid down in his memorandum on churches, that "When an individual in a church or

out of it becomes dangerous to the public interest he must be checked, but the churches, as such, must take care of themselves."

# LINCOLN'S ABILITY IN RECONSTRUCTION LAUDED BY SAVANT

## Dr. Grayson Says Nation Would Have Profited Had Leader Lived.

*Phil. Record 1/12/34*  
"If Abraham Lincoln had lived, America would have come through the reconstruction period following the Civil War with but a minimum of bitterness and suffering."

That opinion was expressed yesterday by Dr. Theodore J. Grayson, of the University of Pennsylvania, who delivered the principal address at the Lincoln memorial exercises of the Military Order of the Loyal Legion. The exercises were held in the west foyer of the Art Museum.

Today is the 125th anniversary of Lincoln's birth.

### Was "Honorable Politician."

In lauding Lincoln's character, Dr. Grayson added that he was "an honorable and fighting politician at a time when politics was at the height of its popularity."

Referring to the Presidents preceding Lincoln, Dr. Grayson described Franklin Pierce and James Buchanan as "delightful and charming men," but who "lacked Lincoln's strong steel-like character which enabled him not only to see the right, but to do the right."

"No man ever had a more difficult, insistent and dangerous task than that which confronted Lincoln," Dr. Grayson said.

"He knew the vital moment in the nation's history had come, and he knew the responsibility was solely his. Secretary of State Seward was fearful that this country lawyer did not have sufficient knowledge to meet the situation. His letter to Lincoln offering to take the burden from him, makes us smile now. And Lincoln replied to that letter, courteously, but firmly, 'I want you to understand that I am the leader of this country, and I alone shall decide.'"

### A Leader Unafraid.

"Then through those four dark years of warfare, against the criticism of lesser men, he stood out unafraid, and there was no question who was the leader."

The Military Order of the Loyal Legion, which sponsored the exercises, now has 472 members. It was organized by a group of Union officers who served in the Civil War. Membership in the Legion is hereditary for the male descendants of the original Union officers.

A number of service and patriotic organizations, including units of sailors and marines from League Island and some National Guard units in the city, were represented by color bearers and color guards.

Following Dr. Grayson's address, the assembly marched from the museum to the Lincoln statue on East River drive, where wreaths were placed by Major Henry A. F. Hoyt and Lieutenant Commander Cornelius Dugan, Civil War veterans, both of whom are now past 90 years of age.

Special Lincoln memorial services were held in churches of all denominations throughout the city yesterday.

### Club Holds Exercises.

The Fourth Estate Square Club, an organization of Masonic newspapermen, held Lincoln exercises at the Benjamin Franklin Hotel in the afternoon. Joseph Gross, attorney, delivered the principal address. Gross declared President Roosevelt would go down in history as one of America's three great Presidents, ranking with Lincoln and George Washington.

"Lincoln said this country could not be both slave and free, and Roosevelt says it cannot be both happy and miserable," Gross declared.

"With the assistance of a fearless and capable President, American democracy will surmount the present crisis through evolution rather than revolution."

William L. Thatcher, former President of the National League of Masonic Clubs, was another speaker. William Rosch presided.

Members of General MacArthur Post, Veterans of Foreign War, were guests at a Lincoln commemorative service last night at the Second Church, United Brethren in Christ, 59th and Catharine sts.

The veterans and their auxiliary marched to the church in a body. The sermon was delivered by Rev. Cawley H. Stine, pastor.

Lu Lu Temple Legion of Honor will hold its annual Lincoln observance tonight in the Temple at 1337 Spring Garden st. Harry Hines Woodring, Assistant Secretary of War, will be the principal speaker. A number of other addresses are scheduled.

### Gold Star Mothers to Meet.

Gold Star Mothers of the World War will hold a luncheon today at the Hotel Walton. Speakers will be Major General William G. Price, Jr., Colonel Lewis S. Sorley, General George E. Kemp, Colonel Milton G. Baker, Colonel Joseph Klapp Nicholls and Captain J. Duncan MacNair, U. S. N., retired.

On Thursday evening the birthday anniversaries of Lincoln and Washington will be celebrated by more than 200 Sunday schools constituting the Delaware County Sabbath School Association. The exercises will be held at Sellers Memorial M. E. Church, Sellers ave. and State rd., Bywood, Upper Darby.

The principal speaker will be Dr. John Wilkinson, of the Epiphany Episcopal Church.

Inasmuch as Lincoln's birthday is a legal holiday in Pennsylvania all liquor stores in Philadelphia and elsewhere throughout the State will remain closed all day. Taprooms, restaurants, hotels and other places, where liquor is sold, may remain open, however.



## Pardon Seekers and Brokers: A Sequel of Appomattox

By J. T. DORRIS

Fourteen classes of Confederates were excepted from President Johnson's amnesty proclamation of May 29, 1865.<sup>1</sup> Consequently, the many thousands of persons remaining unpardoned found themselves in a most uncertain and uncomfortable condition. Not only were they denied all political rights at a time when such privileges were greatly desired, but they were also without assurance that any civil rights would be allowed them. In fact, if the punitive measures of Congress were enforced, confiscation of property, imprisonment, and even death might be inflicted as punishment for participation in the "rebellion."<sup>2</sup>

The disfranchised and proscribed southerner, therefore, was anxious to have his privileges restored. Until this was done, he could neither acquire nor transfer property, he was also denied copyrights and patents,<sup>3</sup> and he found it difficult to secure employment and otherwise engage in business. He even hesitated to marry until his disabilities were removed. It was to be expected, therefore, that he would seek executive clemency as soon as he comprehended his situation and appreciated the improvement in it which would result from securing a pardon. The desire to participate in the program of restoration was, of course, an impelling motive behind the applicant's petition.

After the application for pardon had been approved by the governor of the state in which the applicant lived, the petition was sent to the Attorney General at Washington who recommended that the pardon be granted if he thought the petitioner worthy. The next step was taken by the Presi-

<sup>1</sup> J. D. Richardson (ed.), *A Compilation of the Messages and Papers of the Presidents, 1789-1897* (New York, 1897), VI, 310-312.

<sup>2</sup> *United States Statutes at Large*, XII, 590-592.

<sup>3</sup> The *New York Herald*, Nov. 26, 1865, states that the first West Point man to be pardoned was a certain Major Echols, who desired a patent on something which the government wanted to use. The authorities at Washington appeared anxious for Echols' services as an inventor, and advised executive clemency.

Item available in the Lincoln Financial Foundation Collection at the  
Allen County Public Library, Fort Wayne, Indiana

For contact information, go to [www.LincolnCollection.org](http://www.LincolnCollection.org).

Dr. Louis A. Warren  
Editor Lincoln Lore  
Fort Wayne, Indiana

Dear Dr. Warren:

As a compiler of information bearing upon the life of Abraham Lincoln, you might, possibly, be interested in learning that my grandfather, Silas Cheek, born in Kentucky, January 25, 1816, was a revenue collector for Illinois under Abraham Lincoln. From letters in my possession, from my grandfather, I quote as follows:

"In 1863, I was appointed gauger and inspector of spirits, and later that year, was appointed collector of internal revenue taxes for the Ninth Congressional District of Illinois by President Lincoln. I remained collector until after Lincoln's assassination and until Johnson changed his politics. They offered to let me keep the office if I would follow Johnson. I told L. W. Ross, democratic congressman from my district that I could not be a democrat and that I would not make believe that I was, for all the offices that they could pile on me.

It was not very safe to be collector in my district; there was one man shot and killed in one of my counties---McDonough County---one or two were shot at in Fulton County. I had only one time that appeared serious. I went to a place to collect a whiskey license; the saloon was owned by two men; one of them refused to pay me.

There were eight or ten rough looking men in the saloon. There was but one that looked as though he might be a decent sort of a man. When the one man refused to pay me, two or three of the hardest looking cases encouraged him not to pay the tax. I paid no attention to them but when the gentlemanly looking man said that he wouldn't pay a cent of this infernal revenue, I stepped to the door and said to this man, 'I will let you know what it is to encourage these men to resist the payment of this tax.'

'Hold on stranger,' he said, 'you meet with so many such cases as this that you are getting a little sensitive.'

Said I, 'This is the first set of such grand scoundrels I have met. Now said I, 'Gentlemen, you can pay this tax or not, as you please. I shall collect this tax if I live long enough. There are enough of you fellows to put me out of the way, and if you mean to do it, do it quick, for I mean to close this place, immediately.'

At this one of the partners stepped out and said, 'Mr. Cheek, I haven't said anything yet.'

'No,' said I, 'but you stand here and endorse everything these rascals say by your silence.'

'No, I don't either. If I had forty thousand dollars and Ol' Abe said he wanted it, he should have every dollar of it, an' dam the man that wouldn't let him have it,' and then he paid the license.

At the time of the memorable campaign of 1858, during the Lincoln-Douglas debates, I was living at Havana, Illinois, and Mr. Douglas came to Havana, one day, and Mr. Lincoln, the next day. He was the guest while in Havana of William Walker, a particular friend of mine. He invited me and my wife to his home for dinner with Mr. Lincoln who I had not met before. I found him then, as afterwards, to be a very interesting and pleasant man.

Mr. Douglas, said in his speech that Mr. Lincoln used to keep a saloon. Mr. Lincoln said in his speech the next day, 'My friend Douglas, said yesterday that I used to keep a saloon and sell whiskey over the counter; he tells the truth, sometimes, but he don't tell all the truth, all the time; he failed to tell who was on the other side of the counter---one of my best customers.' "

My grandfather wrote the above when over 91 years of age. He lived to be 94 years old and his last words were, "I am facing death and I am not afraid."

Very respectfully,

*Los Angeles, Calif.  
March 18<sup>th</sup> '39.*

*W. B. Magr.*  
367 No. Harburt Ave.  
Los Angeles, Calif.



March 27, 1939

Mr. W. C. Mage  
367 N. Harper Avenue  
Los Angeles, Calif.

My dear Mr. Mage:

I am truly grateful to you for sending me the excerpt from the letter written by your grandfather which shows his attitude toward the administration after the assassination of Abraham Lincoln. We are intensely interested in this little memorial and will keep the latter safely in our files for reference purposes. Thank you very much again for making it available to us.

Very truly yours,

LAW:PW  
L.A. Warren

Director



# LINCOLN LORE

Bulletin of the Lincoln National Life Foundation - - - - - Dr. Louis A. Warren, Editor  
Published each week by The Lincoln National Life Insurance Company, of Fort Wayne, Indiana

No. 574

FORT WAYNE, INDIANA

April 8, 1940

## LINCOLN'S LAST WORDS ON RECONSTRUCTION

The last public address which Abraham Lincoln made was delivered seventy-five years ago, on the eleventh day of April, 1865. The theme of his message was Reconstruction and his attitude was altogether conciliatory. The occasion for these remarks was a serenade on the White House lawn, where the people had gathered to celebrate Grant's victory which seemed to be a harbinger of peace. The introductory words of the President reveal the temper of the people:

"We meet this evening not in sorrow, but in gladness of heart. The evacuation of Petersburg and Richmond, and the surrender of the principal insurgent army, give hope of a righteous and speedy peace, whose joyous expression cannot be restrained."

Three days later Lincoln was assassinated.

Within the past year civilization has observed two major nations overpower their weaker contestants and impose upon them almost unbearable terms. When Robert E. Lee surrendered to U. S. Grant after four years of unparalleled civil war, there was no evidence of ill will between the leaders, and generous and humane terms of peace were extended to the vanquished. The spirit of revenge was farthest from the view of those who would have had the power to impose it.

When Lincoln presented his Reconstruction Address, just one month and one week had passed since he had delivered his Second Inaugural. In the latter state paper he had expressed a desire "to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations." He had recognized in the address the grave responsibilities of both North and South in bringing on this struggle, but without malice and with charity he proposed to bind up the nation's wounds.

The President expressed the hope for a righteous peace and almost in the next breath seemed to call on God to bless such a procedure. He had in mind an enduring peace, or, as he had expressed it in a letter to a friend a year or more before, "Peace does not appear so distant as it did. I hope it will come soon, and come to stay; and so come as to be worth the keeping in all future time."

Lincoln did not look for a Utopia to emerge from the debris of four years carnage, and he gave no evidence of posing as a solvent for the ills which he knew would follow. He frankly admitted that the task of Reconstruction was "fraught with great difficulty," especially as there was no single spokesman who could voice the sentiment of those out of harmony with the national authority.

The desire of the President to present a practical discussion on his views about Reconstruction led him to submit a concrete illustration as to how the Louisiana situation evolving from his Annual Message of 1863, had progressed up to that time. This somewhat detailed and technical review of a specific case to a great extent obscured the humane and altogether sincere approach which he hoped to make to the whole subject of Reconstruction, but there does crop out here and there certain attitudes which are worth observing.

The very essence of a Democracy, we are told, is in keeping the people informed about government procedure. There was no undercover work in the Louisiana situation as far as Lincoln was concerned. He stated that he had done "just so much as and no more than the public knows." It is evident that in his program of Reconstruction the people were to be kept informed about each step in the process.

No one has ever questioned Lincoln's determination to support a proposition which his best thought confirmed, and on the Louisiana situation he said, "My promise is out." Yet Lincoln never took the attitude that he was infallible and said very definitely that if he made a bad promise he would break it "if it is adverse to the public interest." Lincoln's method of arriving at a conclusion, however, was a pretty good guarantee that he would not have to reverse himself. His promises were invariably something more than political stimulants.

The President had something very definite to say about questions which would be raised primarily to cause mistrust and dissention. He designated as "merely a pernicious abstraction" an attempt to discuss whether or not certain states had been outside the Union. He concluded that "finding themselves safe at home, it would be utterly immaterial whether they had ever been abroad." It is evident that there would be no quibbling about the relation of the southern states to the Union, if he were to plan the Reconstruction.

Possibly the most important fact that the President tried to impress upon his listeners during this last public address was that patience and forbearance must be practiced, and this revealed the real method which he expected to pursue. The illustration which he used to drive home this important fact could hardly be excelled:

"Concede that the new government of Louisiana is only to what it should be, as the egg is to the fowl, we shall sooner have the fowl by hatching the egg than by smashing it."

His concluding suggestion was also wise and judicious and removed any thought of regimentation with reference to the Reconstruction plans. He said:

"So great peculiarities pertain to each state, and such important and sudden changes occur in the same state, and withal so new and unprecedented is the whole case that no exclusive and inflexible plan can safely be prescribed as to details and collaterals. . . . Such exclusive and inflexible plan would surely become a new entanglement. Important principles may and must be flexible."

In the light of what Lincoln had already discussed and in the sympathetic attitude which he displayed in this last public address, it is to be sincerely regretted that the great hope which he was apparently holding out to the stricken people of the Southland was never realized. These were the last words which he uttered before the people on the problem of Reconstruction:

"It may be my duty to make some new announcement to the people of the South. I am considering, and shall not fail to act when satisfied that action is proper."

Death made impossible the new announcement and his just and righteous considerations were never expressed.



# 75TH. ANNIVERSARY OF DEATH OF LINCOLN

By Dr. Louis A. Warren, Editor of  
Bulletin of the Lincoln National  
Life Foundation.

All persons who may have an interest in Lincoln history are conscious that the year 1940 makes the seventy-fifth anniversary of many important events associated with the Emancipator. It would be a sad comment on our patriotism if we did not utilize the atmosphere created by the occurrences of these anniversaries to again recall the episodes which finally brought to the nation a lasting peace and to the President his martyrdom.

There have been several attempts to center attention on the last hours and the last days of Lincoln's life but it seems there has not been a concentrated effort to emphasize the important and far-reaching events taking place during those weeks preceding "The Terrible Tragedy at Washington."

The editor of Harper's Weekly in the first issue of 1865 made this prophetic statement: "A Happy New Year! There are few faithful American citizens who can doubt that the New Year will be a happy one, because it will see the virtual overthrow of the rebellion against the principle of free popular constitutional government; the restoration of the Union, and the destruction of the only present cause of national danger."

If Abraham Lincoln made any New Year's resolutions in 1865, he must have resolved to be even more lenient with offenders, if that were possible, than he had been in the past. This supposition is quite important if we approach a study of these clemency cases as indicative of what might be expected of Lincoln in the reconstructive period which was soon to follow.

Early in January the charge against Lieutenant-governor Richard T. Jacob of Kentucky was called to Lincoln's attention. The reaction to it indicates that the public mind as well as Lincoln's was becoming more magnanimous toward those who were out of step with some of the government regulations.

On January 5 Lincoln wrote to General Grant with reference to Jacob, who was then at Richmond and under orders by General Burbridge "not to return to Kentucky." Lincoln asked that Jacob be allowed to confer with him in Washington. After the conference Lincoln wrote Jacob on January 18 as follows:

"You are at liberty to proceed to Kentucky, and to remain at large so far as relates to any cause now past. In what I now do, I decide nothing as to the right or wrong of your arrest, but act in the hope that there is less liability to misunderstanding among Union men now than there was at the time of the arrest."

Lincoln was also taking the same conciliatory measure in dealing with dissatisfied executives. Governor Fenton of New York had made a complaint and Lincoln wrote the following note to Stanton about the problem:

"The Governor has a pretty good case. I feel sure he is more than half right. We don't want him to feel cross

and we in the wrong. Try and fix it with him."

A letter written on January 9 referring to the granting of a pardon at the request of an unidentified woman is of sufficient interest to copy:

"It is with regret I learned that your brother, whom I had ordered to be discharged on taking the oath, under the impression that he was a private, is a captain. By an understanding, the commissary of prisoners detains such cases until a further hearing from me. I now distinctly say that if your father shall come within our lines and take the oath of allegiance as of Dec. 8, 1863, I will give him a full pardon, and will at the same time discharge your brother on his taking the oath, notwithstanding he is a captain."

On January 11 Lincoln wrote to General Hooker about a man who had been sentenced to "imprisonment at hard labor." The President commented, "While I incline to the belief that you are technically right, please let General Hovey's modification be acted upon until further order from me."

Early in January Mrs. Harriet C. Bledsoe, wife of Col. Albert Taylor Bledsoe of the Confederate army, appealed to President Lincoln for a pass south through the Union lines. She had managed to run the blockade coming north in hopes of getting wearing apparel for her children. Mrs. Bledsoe had been a close acquaintance of the Lincolns in Springfield, Illinois, and had been especially helpful to Mrs. Lincoln when Robert Todd Lincoln was born. Lincoln gave the southern officer's wife this memorandum:

"Allow the bearer Mrs. Harriet C. Bledsoe to pass our lines with ordinary baggage and go south."

"January 16, 1865. A. Lincoln."

Nowhere is the attitude of Lincoln toward southern sympathizers who might be living quietly in the territory held by the north, more clearly revealed than in a telegram sent to General G. M. Dodge at St. Louis on January 15, 1865. It follows:

"It is represented to me that there is so much irregular violence in northern Missouri as to be driving away the people and almost depopulating it. Please gather information, and consider whether an appeal to the people there to go to their homes and let one another alone . . . may not enable you to withdraw the troops, their presence itself (being) a cause of irritation and constant apprehension, and thus restore peace and quiet, and returning prosperity. Please consider this and telegraph or write me."

Mrs. Mary E. Morton, whose husband was in the Confederate army, had been living peaceably in her home with her children during the period of the war when, sometime in January 1865, her property was seized and she was ejected from her home. She secured a sympathetic hearing from President Lincoln and he advised Major-general Reynolds that any confiscation of property was a matter for the courts and not for the Provost Marshal. The President wrote to Reynolds: "If Mrs. Morton is playing traitor to the extent of practical in-

jury, seize her, but leave her home to the court."

To Major-general Dodge at St. Louis, Lincoln wrote on January 24, "It is said an old lady in Clay county, Missouri, by name Mrs. Winifred E. Price, is about being sent South. If she is not misbehaving let her remain."

The building of good will between all classes at variance with one another was well under way in the early weeks of 1865.



# LIFE IN LETTERS

## AMERICAN AUTOGRAPH JOURNAL

JULY  
1942

PRESIDENT LINCOLN AND THE N. J. DRUMMER BOY



OUR AIM: To preserve in these pages interesting letters of historical or literary importance, written by great Americans, reflecting their own times; letters and manuscripts of persons unknown to fame and posterity with unusual contents. We gather material from all parts of the world and we scatter it again to all parts of the world. And here shall be a modest record of some of the material that passed through our hands.

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Cover Design from Original Drawing by Felix Octavius Carr Darley

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SIMEON CAMERON: NEW ORLEANS ON FOURTH OF JULY, 1831.

HUGH RODEN: THE WAR LETTERS OF N. J. DRUMMER BOY.

NOTES: BEGINNING OUR EIGHTH VOLUME. THE AUCTION SEASON 1942. NEW COLLECTORS EVERY WHERE. PRES. ROOSEVELT MOST DESIRED AUTOGRAPH THIS YEAR. THE DEATH OF JUDGE PICKERSGILL. THE LAST OF THE MADIGANS. MR. ROYCE'S NEW VOLUME OF WAR SONNETS.

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There are many Privateers going out this Spring; Seamen will be much wanted. I saw in Newspapers before I sail'd that Capt'n Updike had got in Providence Jan'y 4. My Compliments to Wm Dean if he is at home & will be much obliged if he will write me how he likes his Voyage & his Remarks & c. I shall not fail to answer his Letters. I shall take it very unkind if you dont write me. If you make a Tour this Spring, I should be very glad to see you at Newbury Port: The Road is Excellent good all the way here & very pleasant. If you cou'd find any safe conveyance to send me some Cloaths you wou'd oblige me to send the following; 2 Shirts, a Yd of Cambrick, My Medical Books, French Grammar, Two Plays. My compliments to Dr. Wick-ers & Lady.

I Conclude Yrs. & c.

L. WATERMAN.

P. S. Phebe may have that writing Paper in my Chest. How does she go on in her Schooling? I should be glad to see a Sample of her writing. L. W.

(A. L. S. folio, 3 pages.)

*One of a series of 26 interesting letters of this surgeon, later appointed in the Continental Army, we believe unknown. The lot \$49.75.*

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**PRES. LINCOLN SAVED HIS SON'S LIFE BUT  
NOW HE ALSO WISHES MONEY  
FOR HIS SLAVES**

St. Martins P. O., Worcester County,  
Maryland: Jan. 15, 1866.

Hon. J. A. J. Cresswell,

U. S. Senate.

My Dear Sir:

Allow me to address you familiarly, for you have done me favors in the past which I can never forget. As to our political differences, let them exist in principle, not in personalities. By the way, I have just finished reading the life of President Lincoln, with the many eulogies pronounced by orators & divines, after his death. My mind of him was made up before; and the short sentence in your letter a year



past helped me to it—wherein upon your assurance, he “peremptorily ordered the release of my son.” That gave me a clew to his inner man. He was a man of warm and generous impulses, and as such, I could like him, and yet differ with him in politics. But if President Lincoln could rise from the dead fifty years hence and see the havoc his emancipation policy had made with the sons of Ham, he would regret his own acts and would not do it again—such are my convictions of their fate as free, such my judgment of his warm & humane nature. The fate of the Indian is the fate of the free negro in this country. Not long hence, with Bryant they will say: They waste us; ah, like April snow in the warm noon we melt away. And swift they follow as we go towards the setting day. To witness this, you and I would have to live many years longer than we shall, therefore let it be our honest differences of opinion—no more.

Can you send me the Census report for 1860 complete? I would like to have it.

I see last Monday a resolution from you in the Senate, as to why the Committee to compensate loyal slave holders had not been appointed. Follow that up, you are clearly in the wake of the Decsd President. Besides, I know of very many in Md. whose all was invested in slaves, and unless they are paid, ruin and poverty must be their lot.

I think I am loyal too; not as a partizan of President Lincoln, I honestly differed with him, but I am loyal to every principle of the Constitution and the Govt. under it. Why then can I not, or rather why cannot my wife (for she owned the negroes by the death of her father in 1858) be compensated also. We had 56—in all 94. We never presented our claims to the board in Balto. simply because when we went to do so we were told it was useless. We did go for that purpose and carried the necessary papers of title. That board is dissolved and not half the claims in Md. presented. Can you not get up another board on fairer and more equitable principles? My slaves went to the war, it was a military necessity—and President Lincoln advised payment for all such. Private property was taken for public uses, and without compensation it would be a clear violation of the

Constitution. Besides, Md. at the suggestion of the President did abolish slavery, and Congress endorsed his views, thereby giving valid assurance to our people that they would be paid. The faith of the President and of Congress are pledged to this—the modus operandi is with Congress.

I have written thus freely, because I know some, if not all, the views above are endorsed by you, and because your position puts it in your power to do justice in the premises.

The Ala. slaves were freed by military coercion, but they belonged to a loyal citizen of Md.—and the right of property being here, whatever compensation is allowed for slaves in Md. should apply to slaves in another State belonging to a Marylander. It has been decided by one of the U. S. district Courts that a note given for a slave before the war, is good & binding since. And if the representation be good, the thing itself, must vest in the rightful owner. But enough, it is not my province to argue the case, but ask your kind and favorable attention to it.

My wife and self & family are deeply interested in this matter, as most of our property was in slaves.

Can you, or will Congress, do any thing in the matter? I wrote you last fall; it has not yet been in my power to confer with you.

If any thing can be done, be assured I will not be found wanting in substantial evidence of my appreciation.

Please write me your views as to what I should do, and what probable action will follow.

I am very truly yours &c,

C. W. JACOBS.

(A. L. S. 4to, four pages).

*This letter discloses great deal of the war logic of a Confederate Marylander AFTER GEN. LEE'S SURRENDER.*  
*A fascinating Lincoln item.* \$29.00.

---

**PRINTERS OF THE REVOLUTION. THOMAS  
ADVISES JOHN CARTER**

Worcester, April 5th, 1808.

My good Friend,

I am favored with yours of the 29th ult. True as you

observe, "our Correspondence has suffered a long Embargo." I am happy you have taken it off, but regret my want of energy to make a previous attempt. I had often thought of writing to you, and many times felt a strong desire of visiting you, but, the Troubles and Cares of Life prevent us from doing many things which would afford us real pleasure. I assure you I will not be deficient, now our correspondence is renewed, in continuing it.

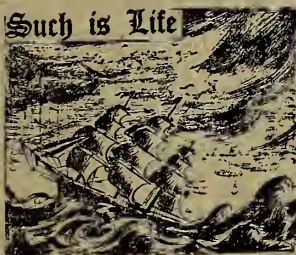
An old Friend, or acquaintance, especially at the period of Life to which we are arrived, seems more precious to us, than those of recent standing. The cause is obvious, the mind looks back to past times, it points to our first knowledge of each other, and measures the circuit of our acquaintance. Every old friend we lose enhances the value of those who remain, and causes us to reflect, how few of those whom we were familiar with thirty years ago, are now among the living, alas! they are chiefly numbered with the dead! and soon must we follow them. I have often had that passage from the sacred Book most forcibly brought to my mind—"The Fathers!—where are they?—and the Prophets! Do they live forever?"

I do not mean, my Friend, to give you a gloomy Sermon in return for your pleasant and enlivening Letter. The ideas arose (and I could not resist expressing them) and reflecting that all of our profession in Massachusetts, New-hampshire and Rhodeisland who were doing Business when we began, are now at rest from their Labors, none alive but our friend Mr. Goddard, of course we are the three oldest Printers in the three States just mentioned. I am much pleased with your promise of visiting me with him. Let us meet, and once more take each other by the hand, it may add to our felicity, it most assuredly will to mine. Present him with "the homage of my respects," for most sincerely do I give it. Tell him I rely on your visit, let it be soon, and give me notice a few days previously to your setting off for Worcester that I may not be from home, and lose the pleasure I now anticipate. We will go together to Brother Mycull's where we may be assured of being electrified should we need and wish it. Mrs. T. presents her respects, she will be

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His new volume "War Sonnets of a Bibliographer" is in preparation and we hope to publish it in the early fall.

\* \* \*





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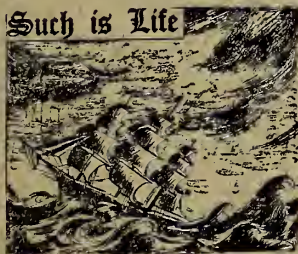
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\* \* \*



"The only thing we have to fear  
is fear itself"

Franklin D. Roosevelt

## THEY WANTED A HARD PEACE, TOO

East Chicago, Ind., Oct. 7.—I have just completed re-reading my grandfather's history of the 112th Illinois volunteer infantry, in which are related his experiences in seven different southern prison camps. "Indescribable cruelties" writes the author. During my childhood I visited the arsenal at Rock Island and I remember that most of the stones in its cemetery are for Confederate soldiers. I would like you all to consider this letter which is to my father,\* who was a lieutenant in the 53d United States infantry, serving below Vicksburg:

"Cambridge, Ill., April 28, 1865

"My Darling Boy:

"I sit down this evening to write you a few lines to let you know we are all well. Sarah has a very bad cold. And I am not very well. I hope you will excuse me for not writing sooner. You know I cannot write when there is company here. Six weeks today since father came here and we have either been away or had company here all the time. O how I have enjoyed that six weeks, could you have been here too my cup of joy would have been clear full. You need not think I forgot you because I did not write. We were at Mercer one week and at Uncle Stewart's a week. We had a splendid visit there. They all went with us from house to house.

"We all took dinner at Alexander's and were having a good time over the surrender of Lee's army and all were at Mac's when Mary came and said Lincoln had been assassinated. What a contrast in our feelings! Sarah Ann's folks and Alexander's went home to get the news. We soon got a paper with the truth. There seemed to be a veil over everything. I felt so.

"I feel as tho Providence knew what was best. Perhaps Lincoln would have been too easy with those rebel leaders. And I do hope that Johnson will treat them as they deserve. I did think that Grant did wrong in paroling Lee and letting those officers go unpunished. And now what an awful thing Sherman has done. The report is today that Grant has relieved him of his command. I can hardly wait until I get the particulars. It does seem as tho Sherman was too noble a man to spoil it all.

"A dispatch came last night that they had shot Booth. They found him in a barn and burned the barn and shot him. Mr. Baker preached Mr. Lincoln's funeral sermon last Sabbath. I never heard him preach with so much energy before. He compared Lincoln and Johnson to Moses and Joshua. You know, for a small offense, Moses was not permitted to enter the Land of Canaan, and Lincoln was not permitted to enjoy freedom and peace after he had been the means of bringing it about. What a pity he ever went to the theater.

"Mr. Baker proved by half a dozen places in the Bible that it is just that those rebel leaders should be punished by death. I wish you could have heard him. A flag was hung over the pulpit—draped in mourning—and another over the stand in front of the pulpit and a large picture of Lincoln hung behind Mr. Baker. The Sabbath before we had a very good sermon by Mr. Moffat in Freedland on the same subject.

"I was in hopes we could send you some money when father came home, but only drew two months' pay and it took \$160 to get him a suit of clothes and bring him home. He went to Chicago for pay but could not get any and was obliged to borrow \$75 of Gaines to go back to parole camp at Annapolis.

"Your Loving Mother."

Eighty years have gone by since those words were written. They both lie in the cemetery at Cambridge, Illinois. My son, a Flying Fortress pilot, lies in the cemetery at Cambridge, England. Over 25 years have passed since the other war. I don't believe the Doorn resident had any more to do with nazilsm than our democracy has to do with communism. Our sparing his head did not have any effect on this latter war, one way or another.

We have learned to appraise Grant and Lincoln's way not only as right but as most liable to stop future wars. How happy I am that Lee was not hanged, or that noble gentleman Thomas Stonewall Jackson's grave desecrated.

I even rejoice that we spared that blackguard Forrest. And our sons went to a camp named after him in this war. I believe it was good for their souls, tho. A sort of example.

JOHN H. GRIFFIN

Chi Tribune 10-14-45

## LINCOLN AND 'RECONSTRUCTION'

During the war years it was natural that on Lincoln's birthday we should look back through time and history to a war of 80 years before, and to the words and example of a man of acknowledged greatness who led an embattled nation to victory.

This year the analogy no longer holds good. We are in the midst of what, 80 years ago, was called reconstruction. Had Lincoln lived through that period of reconstruction, this nation's history would be a different and undoubtedly a happier one. But the task of returning the country to the ways and practices of peace was entrusted to the war president's successor, as it is today. Lincoln died at the dawn of peace; Roosevelt, almost on the eve of victory.

It would be comforting and instructing to know how Abraham Lincoln would have met problems similar to those which the United States faces now.

How would he have helped to answer the question of whether "We shall nobly save or meanly lose the last, best hope of earth" through a closer organization of the world's nations? How might he have aided in solving our industrial disputes quickly and fairly?

It is idle to speculate. But it is also excusable to turn to some of Lincoln's thoughts on labor and

read them with present circumstances in mind. The particular thoughts quoted here were contained in some informal remarks which he made to a delegation of New York workingmen in March in 1864.

They are not a formal economic and social philosophy. They may not be geared to today's thinking, but they make interesting reading, nevertheless.

"The strongest bond of human sympathy, outside of the family relations," Lincoln said, "should be one uniting all working people, of all nations, and tongues, and kindreds." (That would get him called a Communist today.)

"Nor should this lead to a war upon property or the owners of property. Property is the fruit of labor; property is desirable; is a positive good in the world. That some should be rich shows that others may become rich, and hence is just encouragement to industry and enterprise." (That would get him called a conservative, or worse.)

"Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own should be safe from violence when built." (That might be called good sense and sound advice which is probably more apt today than it was in 1864.)



# LINCOLN OPPOSED REPRISALS IN WAR

## Chicagoan Bares a Letter of 1864, Meant for Cabinet Officer, About Massacre

Special to THE NEW YORK TIMES.

CHICAGO, Dec. 4—Abraham

Lincoln's rejection of the theory of war crimes and the punishment of soldiers is revealed in a recently discovered letter which he penned in the White House nearly a year before the end of the Civil War.

"Blood cannot restore blood, and Government should not act for revenge," Lincoln wrote to the Secretary of War as he sat in the Executive Mansion on May 17, 1864. The letter was never signed and was not sent to the Cabinet officer.

The letter, never before published, remained for many years among the papers of an assistant Cabinet officer and only recently was recognized as being in Lincoln's handwriting by Ralph G. Newman, proprietor of the Abraham Lincoln book shop here. The letter has been bought by Dr. Charles W. Olsen of Chicago, an outstanding Lincoln collector.

### Fort Pillow 'Massacre' in Mind

Lincoln was thinking of the Fort Pillow "massacre" when he wrote the letter. At Fort Pillow, Tennessee, on the east bank of the Mississippi River on April 12, 1864, the third anniversary of the firing on Fort Sumter, had occurred one of the most controversial events of the entire war.

Union officials charged that most of the nineteen officers and 538 enlisted men in Fort Pillow were murdered after they had surrendered in an assault by General Forrest's men. Southern sources insisted that an opportunity to surrender had been given.

The Senate sent two members to investigate and their report charged that "the rebels commenced an indiscriminate slaughter, sparing neither age nor sex, white or black, soldier or civilian." The report added that "some were spared for a time, only to be murdered under circumstances of greater cruelty." The report included testimony of the few survivors found and artists' drawings of the emaciated victims.

The report was delivered on May 6, and eleven days later Lincoln started to write to his Secretary of War:

"Please notify the insurgents, through the proper military channels and forms, that the Government of the United States has satisfactory proof of the massacre, by insurgent forces, at Fort Pillow on the 12th and 13th of April last of fully (blank) white and colored officers and soldiers of the United States, after the latter had ceased resistance, and asked quarter of the former.

"That with reference to said massacre, the Government of the United States has assigned and set apart by name (blank) insurgent officers, theretofore, and up to that

time, held by said Government as prisoners of war.

"That, as blood cannot restore blood, and Government should not act for revenge, any assurance, as nearly perfect as the case admits, given on or before the first day of July next, that there shall be no similar massacre, nor any officer or soldier of the United States, whether white or colored, now held, or hereafter captured by the insurgents, shall be treated other than according to the laws of war, will insure the replacing of said (blank) insurgent officers in the simple condition of prisoners of war.

"That the insurgents, having refused to exchange or to give any account of explanation in regard to colored soldiers of the United States captured by them, a number of insurgent prisoners equal to the number of such colored soldiers supposed to have been captured by said insurgents, will, from time to time, be assigned and set aside, with reference to such captured colored soldiers, and will, if the insurgents assent, be exchanged for such colored soldiers; but that if no satisfactory attention shall be given to this notice, by said insurgents, on or before the first day of July next, it will be assumed by the Government of the United States that said captured colored troops shall have been murdered, or subjected to slavery, and that said Government will, upon said assumption, take such action as may then appear expedient and just."

Apparently realizing the inconsistency between his declaration that "Government should not act for revenge" and the last line of his letter, Lincoln delayed signing it and eventually set it aside without sending it. Throughout the year of the war remaining all the laws of war were followed in the handling of Confederate prisoners and there was no indication from Lincoln that he again considered reprisal for mistreatment or captured Union soldiers.





Carpetbaggers and scalawags exploited the Negroes mercilessly.

## DIXIE'S DARKEST DAYS

IN THE HECTIC - AND SOMETIMES VIOLENT - DAYS THAT FOLLOWED  
THE WAR BETWEEN THE STATES, THE SOUTH  
FACED ITS SEVEREST TESTS.

By OWEN FOGLEMAN  
—NEWS Staff Writer—

History refers to the period immediately following the Civil War as the "Reconstruction of the South." However, to the Southern white man it was a reign of terror, a "political, economic and psychological concentration camp."

Under the policy of Abraham Lincoln, already being put into effect in 1865, the Southern states were to be regarded not as a conquered province but were once more to assume their own government and their former place as a part of the union. The new constitutions they were to adopt merely had to carry provisions prohibiting slavery and secession. New state governments plunged hopefully into a multitude of reconstruction problems—not the least of which was the dilemma of what to do with the 4,000,000 freed negroes, many of whom wandered aimlessly about the country.

Abraham Lincoln was the only barrier to the radical Republicans who were coming into power with quite different plans for dealing with the South. Booth's bullet removed that last bulwark of hope for the defeated South and opened the flood-gates of hate, greed and vengeance which were to engulf the South for many bitter years. Even before Lincoln's funeral, his enemies had begun to swarm into Washington in a mass movement against the policies of Andrew Johnson, who succeeded to the presidency. They were infuriated when Johnson announced that he would uphold the constitution and try to preserve the union as Lincoln had done. Congress, not the president, they decided,

should determine the treatment of the beaten South.

In the person of bitter, vitriolic old Thaddeus Stevens, the radicals had a leader imminently suited to their punitive purposes.

Toward Lincoln's policies of dealing with the conquered states as if they were still a part of the union intact he had nothing but the bitterest of contempt. "Emancipation was not enough. The South must be punished under the rules of war, its land confiscated, the slaves made equals of the whites—nothing less," Stevens wrote.

The ascendancy of Stevens to the leadership of his party bode terror for the South and stalemated Johnson who was never able to extricate himself from a maze of controversy with congress and his cabinet. During the next two years, Stevens bitterly advocated subjugation of the southern whites and sufferage for the negroes.

Once he wrote, "The South is to be laid waste and made a desert and repopled by a band of freemen; The South is to be taught a bloody lesson which it will remember for a thousand generations." He intimidated and tongue-lashed the Republican congress into

Ed. note: All quoted material in this article is from Claude G. Bowers' THE TRAGIC ERA. Acknowledgement is made to Robert Erskine Kerr of Lake Charles for other historical data contained herein.

line and ruled unchallenged through the next two years.

"His tremendous power as a party leader lay in the biting bitterness of his tongue and dominating arrogance of his manner, before which weaker men shriveled."

Born in abject poverty, he had lived a bitter and abnormal life. His devoted mother managed to help him part of the way through Dartmouth university. Although he never graduated, he practiced law at Gettysburg, Pennsylvania until at the age of 51 he was elected to the legislature. He was elected to congress from 1848-52, then practiced law until he returned to congress in 1858 until his death. Stevens was 73 years old when Johnson became president.

Early in his first term he qualified as the most bitter and vituperative enemy of slavery in the House. Politically a misanthrope, and morally indifferent he dealt misery to the Southern whites.

Stevens' brilliant mind was not formed for constructive work. His gift of superb, eloquent oratory was put but to scathing denunciation of anything that smacked of slavery or opposed his will.

Let us watch him on the floor of the senate during the impeachment trial of Johnson. He is a very old man, tall and emaciated, from a lingering illness. For several weeks now he has been so desperately ill that his radical colleagues fear he will not live to see the end of the trial. Deathly pale, he stands up with a mighty effort, goaded by his intense hatred of Johnson and his determination to see him impeached. The usually boisterous gallery is still as the picturesque old statesman—stern, arrogant, intense, with something between a sneer and a smile on his hard, thin lips—begins his speech in a voice so weak it can hardly be heard. Occasionally the weak voice, still blistering with invective, trails off and soon becomes so weak that he hands his speech to a colleague who finishes the reading. Then when Johnson was acquitted by the narrowest margin, we see Stevens, carried in a chair above the heads of the milling crowd by two husky negro boys, his face black with rage and shouting, "The country

—see next page





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LYDIA SMITH, a mulatto, was the mistress of Thaddeus Stevens. She was well-liked by her neighbors, but the object of gossip among the Washington people.  
—from a painting by Jacob Eichholtz through courtesy of Frick Art Reference Library, New York.



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is going to the devil!"

Stevens never married but he lived all but openly in Lancaster with his mulatto housekeeper, Lydia Smith. Whenever he went to Washington she accompanied him. Whenever he entertained at home, it was she who received the visitors. As he grew more feeble she became indispensable to him. Neat, comely, accomodating and deeply devoted to Stevens, she was well-liked by the best white women of the community. He never denied the gossip that was rife in Washington concerning their relationship.

One night in August, 1868, shortly after the inauguration of Grant, Stevens lay on his bed in his Washington apartment, the last of his strength rapidly ebbing. At the foot of his bed kneeled Lydia Smith, beside him kneeled two Negro nuns reciting prayers for the dying. Others had called, including two Negro ministers whom he scornfully allowed to pray for him, but it was the Negroes who dominated the room. Thus he passed into eternity. Negro Zouaves guarded the body at the funeral and it was mostly Negroes who followed the funeral procession to the old cemetery in Lancaster. In this cemetery, where Negroes and whites alike were buried, Stevens carried his idea of equality of races even to the grave.

The hordes of Carpetbaggers who were moving into the South were making a sorry mess of things. Together with the scalawags (renegade whites), they were organizing the Negroes into secret societies and inflaming their passions to incite them against the hapless whites.

Weary confederate soldiers had drifted back from the battlefields to find their cities reduced to rubble, their homes destroyed, their families destitute, stock driven off, fields grown up in weeds. It was a hard struggle to start over but they were trying.

"Now you can have the vote and hold the offices," carpetbaggers shouted at the

Negroes. "It's your country now, the bottom rail's on top."

And the Negroes swallowed it. All over the south they quit working and wandered around the country-side waiting for the white man's land to be divided among them. Hadn't their friends from the North promised them 40 acres and a mule?

"Vote Republican!" the radicals told the Negroes and they complied. The resulting legislatures were a farce, a welter of corruption, serving only the purposes of the Carpetbaggers, Scalawags and the Radical Republicans. Any benefits the Negroes created for themselves were multiplied to the carpetbaggers threefold. The money stolen was, of course, paid by the taxpayers. Numerous cases existed of property being seized for taxes the owners could not possibly pay—and white men had no recourse to the courts.

The prostrate South, fighting for its very civilization, burning from the oratory of men like Benjamin Hill of Georgia and the imaginative leadership of men like Wade Hampton of South Carolina took heart and fought back.

The fires of hate were slowly extinguished as the campaign of vengeance lost its force in the prosperity of the 1870's and the crash of 1873. Order and dignity gradually were restored but the consequences are still felt, primarily in the politically "solid South" and the constancy of race feeling.

Louisiana herself still bears the symbol of defeat represented by the names of three parishes, according to Robert Erskine Kerr of Lake Charles, who is well-known as a historian. The parishes of Cameron, Grant and Lincoln were named for Unionists, two of whom pressed the spiked heel of vengeance against the South, Kerr said. Cameron parish was named for Lincoln's secretary of war, Simon Cameron. Grant parish was named for President U.S. Grant and Lincoln parish for Abraham Lincoln.

—the end.



## ABRAHAM LINCOLN - FRIEND OF THE SOUTH -

Abraham Lincoln should be more of a beloved figure in the states to the South than he is here. During the War he was the best, the only, friend the Southern people had in official Washington. Never once were his words other than sympathetic toward the people of the seceded states. And after his death those who shared his views were persona non grata in the Government.

The hurt in the South came not from the war itself, but from the Reconstruction which followed it. Had he lived, Mr. Lincoln might not have eliminated that vengeful policy, but he would have fought against it. His ten percent plan expressed his policy. The generous peace terms granted by Generals Grant and Sherman were Lincoln-inspired, back stage. After his death others tried to carry on after him, and the results of that showed which side he was on. For the Reconstructionists impeached the President who attempted to follow the same policies.

The words of friendship and peace which he used publicly must have been spoken around the dinner table, too. Remember what Tad said when he heard someone speak of hanging the Confederate leaders--"No, let's hang on to them!" Where else did he hear such sentiments?

There is something else, ironically, he did for the South. He preserved the Union. For Alabama is in the Union as well as Maine. And its people are just as proud and glad to be Americans. Their response is just as quick in time of war--their representatives in the Government now are just as jealous of the rights and the honor of the United States. Together we share the fruits of union, and the economic advantages of belonging to a continent-wide nation.

To Abraham Lincoln we were all Americans.

# Priceless Lincoln Papers In Cincinnati

By Louis L. Tucker

Director, The Cincinnati Historical Society

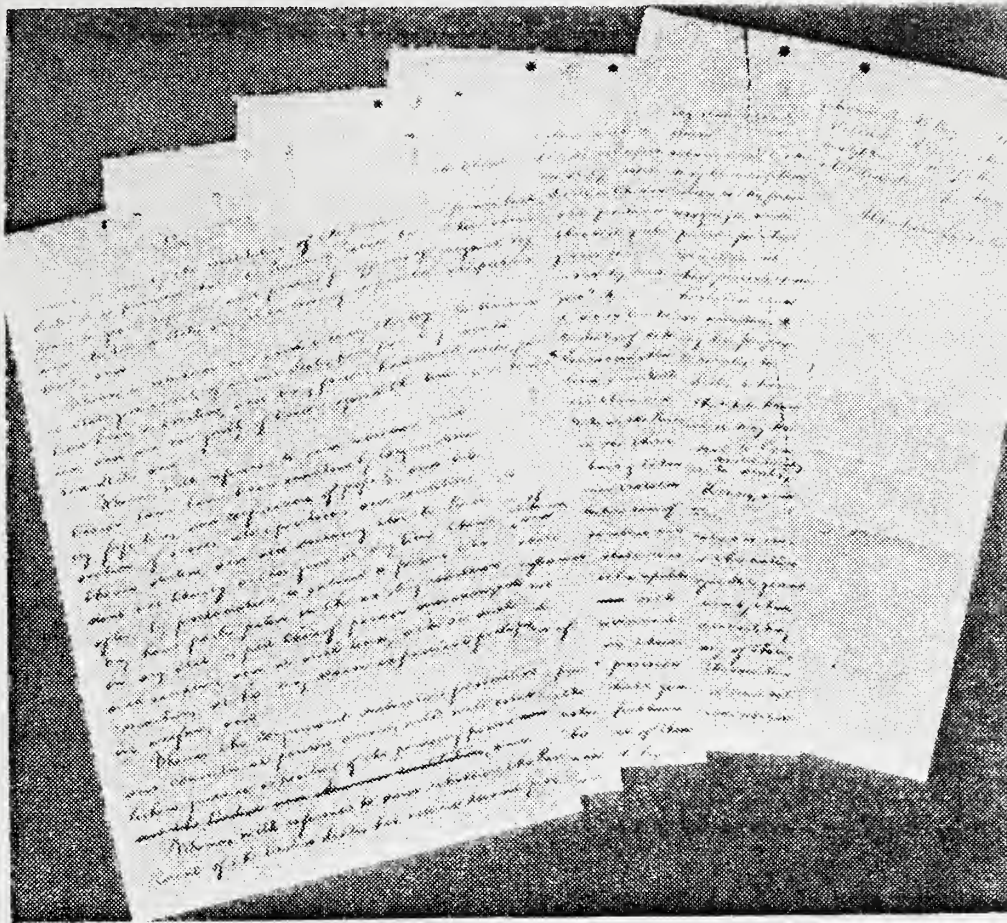
The "dog days" of defeat and despair hovered over Abraham Lincoln and the North in late 1863—even though stunning victories at Lookout Mountain and Missionary Ridge—pointed to a brighter future.

Lincoln himself was making a rapid recovery from varioloid, which was earlier suspected of being smallpox. He was delighted that the swarm of office-seekers who daily besieged him now fled when they learned he might have smallpox.

"There is one good thing about this illness," the President told a friend. "I now have something I can give everybody."

IT WAS now December and time for Lincoln's annual message to Congress. It was a report brimming with hope, accentuating the positive. But there was one deviation from the norm. A second document accompanied the annual message. "A Proclamation of Amnesty and Reconstruction."

This Proclamation is a curious, but significant, Civil War document. In brief, it offered amnesty to those who had been engaged in "rebellion" against the United



Pages of priceless document rest in Cincinnati

States if they would take an oath of allegiance to faithfully support, protect, and defend the Constitution of the United States, and the union of the states thereunder."

MORE IMPORTANTLY, it also contained the general outline of a Reconstruction Plan, the details of which Lincoln failed to spell out before his death.

The South was quick to respond to Lincoln's Proclamation. Appearing before the Confederate Congress assembled in Richmond, Rep. Foote of Tennessee introduced a resolution denouncing the "truly characteristic proclamation of amnesty issued by the imbecile and unprincipled usurper who now sits en-

throned upon the ruins of Constitutional liberty in Washington City."

Rep. Miles of South Carolina was equally vitriolic. He affirmed that the Confederate Congress should not even dignify Lincoln's Proclamation with a formal resolution: "The time and only treatment which that miserable and contemptible despot, Lincoln, should receive at the hands of this House is silent and unmitigated contempt. This resolution would appear to dignify a paper emanating from that wretched and detestable abortion whose contemptible emptiness and form will only receive the ridicule of the civilized world."

SOME NORTHERN Democrats were



## HISTORICAL SOCIETY OWNS DOCUMENT

equally as uncomplimentary. A typical reaction was expressed by the New York Metropolitan Record: "He, the fourth or fifth rate lawyer—and if there was a lower rate than that he might find place under it—he, the hack politician of a sectional, factious party, pretends to tell the freemen of this country that he will pardon them." For many in the North, "Abraham the First" was also a tyrant and a fool.

A few days after Lincoln's message had been presented, Sens. John Sherman and Ben F. Wade, both of Ohio, visited the President. They requested the original draft of the Proclamation for the Great Western Sanitary Fair, then being held in Cincinnati.

They wished to contribute the document to an auction, which was one event of the Fair. Proceeds from the auction (and the Fair) were to be used for the humanitarian activities of the United States Sanitary Commission, the Red Cross of its day.

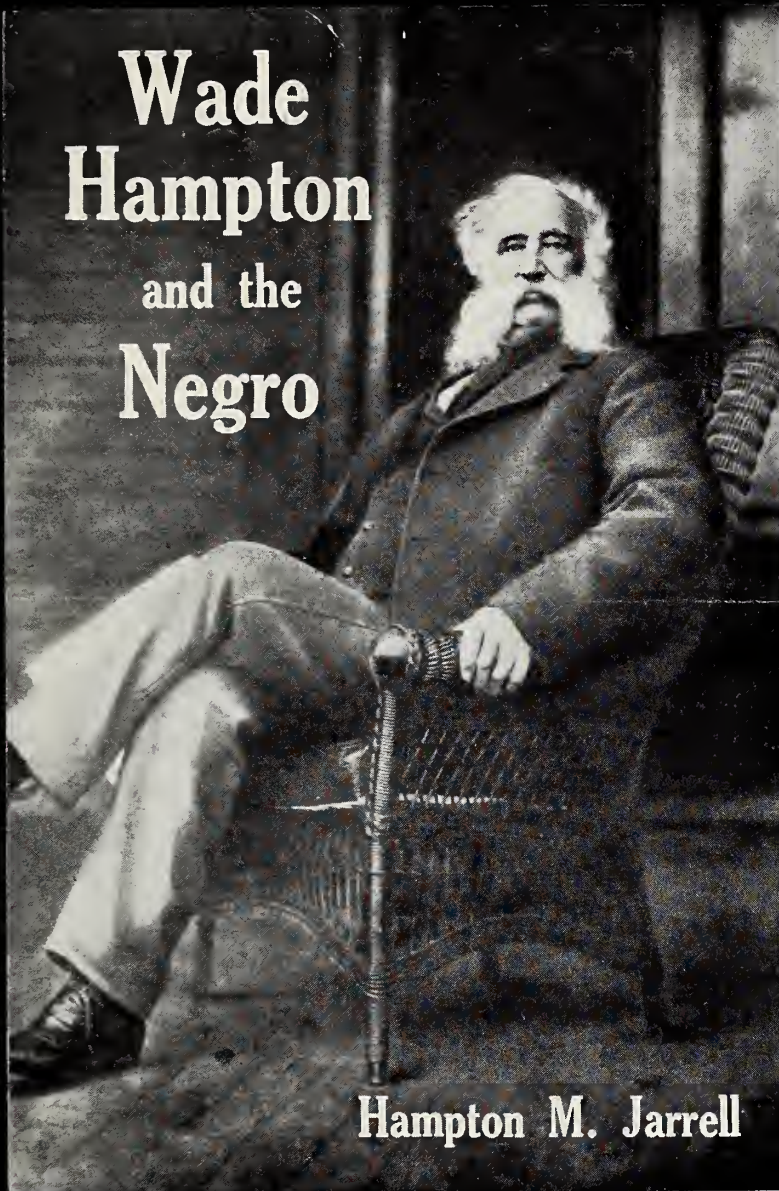
LINCOLN WAS agreeable to surrendering the original, but it was so badly defaced that he decided to make a handwritten copy, retaining all the marks, erasures, notes and additions.

In forwarding the document, Sherman informed Fair officials that Lincoln "said if a great deal of additional labor by him would relieve the sufferings of a single soldier, he would cheerfully perform it." The document was placed on auction and sold for \$150.

Today, it is priceless.

In 1906, this Lincoln document was donated to The Cincinnati Historical Society, and ranks as one of its prize holdings. When the Society is located in its new quarters in Eden Park, this and other rare documents from the Society's vast manuscript collection will be placed on display periodically.

**Wade  
Hampton**  
and the  
**Negro**



**Hampton M. Jarrell**



# Wade Hampton and The Negro

## *The Road Not Taken*

BY

HAMPTON M. JARRELL

THIS book, as Dr. Jarrell announces in his foreword, concerns a thirty-year cycle of revolution and counter-revolution in South Carolina, a cycle that ran its course between 1865 and 1895. The revolution lifted the Negro to political supremacy in the state for almost a decade; the counter-revolution first curbed his power and then eliminated him from politics. This futile and costly sequence of events illustrates with startling clarity the tragic results that may follow political conflict between irreconcilable extremists.

Now, more than eighty years later, there is again a dangerous increase in tension between extremists, North and South, again about the Negro. In the North, again, the propaganda mills are working: political speeches, plays, novels, sermons, stories, and heavily slanted articles in newspapers and magazines, all pointing towards federal action against the *status quo* in the South. In the South, again, extreme meets extreme with an upsurge of anti-Negro sentiment long quiescent, with the election of anti-Negro political leaders, with an increase in anti-Negro organizations, with—worst of all—the discrediting of those forces in the South, Negro

and White, which are working towards more social justice for the Negro.

Eighty years ago wise and moderate men like Presidents Lincoln and Johnson in the North and like Wade Hampton of South Carolina and L. Q. C. Lamar of Mississippi sought a middle way whereby they could, without hatred and strife, solve the difficult social problem of two races living side by side in almost equal numbers; but the outraged screams of the extremists of both sections made their efforts vain. This study, therefore, is not only a record of the past but also a plea for moderation now and in the future.

Conflict between extremists, Dr. Jarrell points out, can never lead to stability or balance. The North cannot shape the social and political structure of the South, even though it may destroy our traditional pattern of constitutional government in the effort. . . . On the other hand, the South cannot ignore the moral sentiment of the nation, and indeed of many Southerners, in its treatment of the Negro. . . . Moderate men of both sections, the author is convinced, must work together on this problem if the nation is to avoid another tragic cycle of action and reaction wherein, again, all but a few shrewd opportunists will lose and wherein the Negro will lose most of all.

Dr. Jarrell has shaped his story around the personality of Wade Hampton because throughout the period he was at the center of the conflict and also because he embodied the best tradition of Southern friendship for the Negro. To Southern men like him, Dr. Jarrell believes, the nation must look for any substantial improvement of race relations in the South.

225 Pages

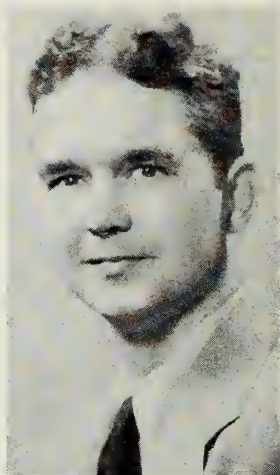
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## About The Author

HAMPTON M. JARRELL is a professor of English at Winthrop College, Rock Hill, S. C. A native of Savannah, Ga., he earned his A.B. degree at the University of Georgia, his M.A. at Harvard, and his Ph.D. at Duke. At the latter institution he won a Phi Beta Kappa key and the Angier B. Duke Fellowship which is awarded to the best student in the graduate school.



Dr. Jarrell taught for several years at the University of Florida and has been at Winthrop since 1932.

The "Hampton" in his name is an inheritance from Anthony Hampton of the Revolution, father of the first Wade Hampton and great-grandfather of the Confederate General, the subject of this book. The author's interest in General Hampton has developed over the last fifteen years partly, perhaps, from the vague family connection, but mostly from the growing conviction that the class which he represents has been grossly misunderstood.

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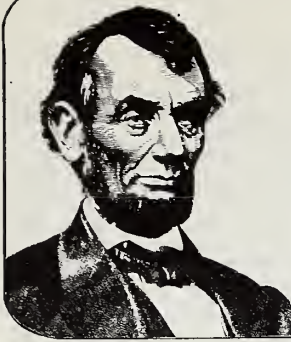
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# Lincoln Lore

May, 1973

Bulletin of The Lincoln National Life Foundation...Mark E. Neely, Jr., Editor. Published each month by The Lincoln National Life Insurance Company, Fort Wayne, Indiana 46801.

Number 1623

## "I like Mr. Whiting very much . . . ."

When Francis Bicknell Carpenter (1830-1900) showed President Abraham Lincoln his nearly completed painting of "The First Reading of the Emancipation Proclamation Before the Cabinet," the painter called particular attention "to the accessories of the picture, stating that these had been selected from the objects in the cabinet chamber with reference solely to their bearing upon the subject." Lincoln commented, "Yes, there are the war maps, the portfolios, the slave map, and all; but the book in the corner, leaning against the chair leg, — you have changed the title of that, I see." Carpenter replied that he had, having at the last moment "learned that you frequently consulted, during the period you were preparing the Proclamation, Solicitor Whiting's work on the 'War Powers of the President,' and as Emancipation was the result in fact of a military necessity, the book seemed to me just the thing to go in there; so I simply changed the title, leaving the old sheepskin cover as it was." Lincoln admitted that "It is all very well that it should be there," but complained that the distinctive binding made it look like "a regular law book."

William Whiting's *The War Powers of the President* was by no means "a regular law book." It was, rather, a passionately charged argument that President Abraham Lincoln's powers as President during the Civil War were as sweeping as the war powers enjoyed by any ruler whose country had been invaded by a hostile power. Carpenter's anecdote, frequently cited as evidence of Lincoln's

powers of observation, is more important as documentation of Lincoln's reliance on Whiting's book.

There is other evidence of a less specific nature. Massachusetts Senator Charles Sumner informed a correspondent at one point during the war that Whiting, who was from Sumner's home state, was "in the full confidence of the President." Gideon Welles, who did not care for Solicitor Whiting, nonetheless recorded in his diary on

July 23, 1863 that Solicitor Whiting "has for several months been an important personage here." Welles said that "even the President" had spoken highly of Whiting and that the Solicitor was "high in the good graces of the President." After the war, Indiana's George W. Julian recalled that he had seen President Lincoln on July 2, 1864 about proposals to confiscate the property "of rebel landholders." Lincoln had been prepared two years previously to veto proposals that affected the property of heirs of Confederates, but he informed Julian on this occasion that "Solicitor Whiting's law argument . . . had changed his view" and that he "would now sign a bill striking at the fee of rebel landholders, if we would send it to him." Of course, Julian's recollections may have been colored by the political demands of the years of Reconstruction that intervened since his meeting with the President. But as late as March 25, 1865, Lincoln wrote Secretary of War Edwin Stanton in reply to Stanton's permission to accept Whiting's resignation, "I like Mr. Whiting very much, and hence would wish him to remain or re-



KEY TO THE PICTURE

### THE MEN

1. PRESIDENT LINCOLN.
2. WILLIAM H. SEWARD, Secretary of State.
3. SALMON P. CHASE, Secretary of Treasury.
4. EDWIN M. STANTON, Secretary of War.
5. GIDEON WELLES, Secretary of Navy.
6. EDWARD BATES, Attorney-General.
7. MONTGOMERY BLAIR, Postmaster-General.
8. CALEB B. SMITH, Secretary of Interior.

The room is the Official Chamber of the White House, in which all Cabinet meetings are held, and in which the President receives calls upon official business.

### ACCESSORIES

9. Photograph of Simon Cameron, Ex-Sec. War.
10. Portrait of Andrew Jackson.
11. Parchment Copy of the Constitution.
12. Map of Seat of War in Virginia.
13. Map showing Slave Population in gradual light and shade.
14. War Department Portfolio.
15. Story's "Commentaries on the Constitution."
16. Whiting's "War Powers of the President."
17. New York Tribune.
18. Two volumes Congressional Globe.

From the Lincoln National Life Foundation

Francis Bicknell Carpenter made a pencil sketch with a key for his painting. The key reproduced here appeared in Fred B. Perkins, *The Picture and The Men* (New York: A. J. Johnson, 1867). There is little about the painting in Perkin's book that does not appear in Carpenter's *Six Months at the White House with Abraham Lincoln: The Story of a Picture* (New York: Hurd and Houghton, 1866). Perkins characterized himself as an "extreme Radical." He may well have liked some of the ideas expressed in item 16 of the key; that item is the subject of this *Lincoln Lore*.



sign as best suits himself." There are few letters from William Whiting in the Robert Todd Lincoln Papers, and those are of a routine nature, requesting Secretary John Nicolay to lay some matter or other before the President. Still, Whiting was the legal adviser of the War Department and could have seen Lincoln personally in Washington.

Lincoln's association with the views of William Whiting is of no small importance, though it has only recently received the attention it deserves in Herman Belz's *Reconstructing the Union: Theory and Policy during the Civil War* (Ithaca: Cornell University Press, 1969). Whiting wrote three essays, one on the President's war powers, another on the specific question of military arrests in the North, and the third on the divisive question of reconstruction. All three appear in the book in the Lincoln Library and Museum's collection. As the picture below shows, this was the eighth edition. In the decade after its original publication in 1862, Whiting's *War Powers of the President*, went through an amazing forty-three editions; its longevity and popularity no doubt stemmed from the fact that it addressed constitutional questions that remained important during the Reconstruction period. Since Whiting was still in the President's good graces as late as 1865, it seems safe to explore all the matter in the book rather than just the material that bore on the question of emancipation.

Lincoln biographer James G. Randall in his *Constitutional Problems under Lincoln* sniffed that "defective reasoning" ran "through the whole of Whiting's treatment," but Whiting's book is perhaps better characterized as a case of special pleading. Gideon Welles did not like Whiting's views any better than Randall did many years later, but he captured the flavor of Whiting's work a little better, when he wrote: "He is ready with expedients, but not profound in his opinions, is a plausible advocate rather than a correct thinker, more of a patent lawyer than a statesman."

Whiting's argument was a brief for his case and not a balanced and detached analysis of the constitutional issues provoked by the Civil War. Whether his reasoning was faulty or not, knowing what he said will be an aid to fathoming Lincoln's complex and changing attitudes towards the Civil War as a constitutional crisis.

Whiting's was the tough and simplistic reasoning of wartime mobilization. He defended "the right to appropriate private property to public use, and to provide compensation therefor . . . ; the power of Congress to confiscate enemy's property as a belligerent right; the power of the President, as commander-in-chief, as an act of war, to emancipate slaves; . . . the power of Congress to pass laws to aid the President, in executing his military duties, by abolishing slavery, or emancipating slaves, under Art. I Sect. 8, Cl. 18, as *war measures*, essential to save the country from destruction . . ." Moreover, he claimed that these powers by no means depended "upon the adoption of the most liberal construction of the constitution"; one need not rely on the broad grant of power in Article I. Section 8, Clause 1, "to provide for the common defence and general welfare." Whiting even suggested that Congress might have a peacetime right to abolish slavery: "Yet cases might arise in which, in time of peace, the abolishment of slavery might be necessary, and therefore would be lawful, in order to enable Congress to carry into effect some of the express provisions of the constitution, as for example, that contained in Art. IV. Sect. 4, Cl. 1, in which the United States guarantee to every State in the Union a republican form of government; or that contained in Art IV. Sect. 2, Cl. 1, which provides that citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." Radicals became increasingly interested during the Civil War in the guarantee of a republican form of government as a route to Congressional power over what had been thought to be domestic institutions. But this was a very liberal construction indeed, since (1) the founding fathers clearly thought slavery was no such violation of this constitutional guarantee and (2) in the eighteenth century a republican government was any government without a king. It is doubtful that Lincoln ever thought much of this argument, and Whiting himself merely mentioned it as a possibility.

Much of Whiting's reasoning did rely on doing what

James G. Randall claimed in *Constitutional Problems under Lincoln* "American constitutional lawyers do not, in general" do, that is, "cite the phraseology of the preamble as equivalent to a grant of power to Congress." Thus Whiting described the general situation in the Civil War this way: "A handful of slave-masters have broken up that Union, have overthrown justice, and have destroyed domestic tranquility. Instead of contributing to the common defence and public welfare, or securing the blessings of liberty to themselves and their posterity, they have waged war upon their country, and have attempted to establish, over the ruins of the Republic, an aristocratic government founded upon Slavery." Despite rather loose constructions, Whiting was careful to distinguish emancipation as a "means" of war from emancipation as an "object" of war, arguing only for the former power. Yet he did at one point admit that his was in general a liberal construction in a passage which better than any other explained the Solicitor's general view of the American Constitution:

Those who have contended for the most narrow and technical construction, having stuck to the letter of the text, and not appreciating the spirit in which it was framed, are opposed to all who view it as only a *frame* of government, a *plan-in-outline*, for regulating the affairs of an enterprising and progressive nation. Some treat that frame of government as though it were a cast-iron mould, incapable of adaptation or alteration—as one which a blow would break in pieces. Others think it a hoop placed around the trunk of a living tree, whose growth must girdle the tree, or burst the hoop. But sounder judges believe that it more resembles the tree itself,—native to the soil that bore it,— . . . putting forth branches of its own growth, and flourishing with eternal verdure . . . By a liberal construction of the constitution, our government has passed through many storms unharmed.

Whiting was only one of many in the North who were changing their views of what a constitution was during the American Civil War.

Since practically everything Whiting recommended was a war measure, his interpretation stood or fell on the complex question of whether the United States was, by the technical standards of international law, actually at war. The Lincoln administration never forthrightly claimed that it was at war, since to do so would imply that the Confederacy was a nation. On the other hand, the Lincoln administration did not treat the Civil War as merely a domestic rebellion or insurrection either. To have followed the latter course would have made the blockade illegal and would have meant hanging Confederate prisoners rather than treating them as prisoners of war. Moreover, Congress never declared war.

Such delicate complexities did not phase Solicitor Whiting in the least. He stated flatly that a declaration of war was not necessary to give the government "full belligerent powers." To him, it was all very simple: "Wars may be divided into two classes, foreign and civil. In all civil wars the government claims the belligerents, on both sides, as subjects, and has the legal right to treat the insurgents both as subjects and as belligerents; and they therefore may exercise the full and untrammelled powers of war against their subjects . . ." His case rested more on fact than on law: "The government have in fact treated the insurgents as *belligerents* on several occasions, without recognizing them in express terms as such. They have received the capitulation of rebels at Hatteras, as prisoners of war, *in express terms*, and have exchanged prisoners of war as such, and have blockaded the coast by military authority, and have officially informed other nations of such blockade, and of their intention to make it effective, under the present law of nations." Whiting concluded that, "Having thus the full powers and right of making and carrying on war against rebels, both as subjects and as belligerents, this *right* frees the President and Congress from the difficulties which might arise if rebels could be treated *only* as SUBJECTS, and if *war* could not be waged upon them."

Though Whiting's view certainly was favorable to sweeping powers for the commander-in-chief, he did not neglect to point out that these powers were not exclusively the executive's. "The right of the Executive to strike this blow against his enemy," he said, "does not



deprive Congress of the concurrent right or duty to emancipate enemy's slaves, if in *their judgment* a civil act for that purpose is required by public welfare and common defence, for the purpose of aiding and giving effect to such war measures as the commander-in-chief may adopt." Whiting's views on the suspension of the writ of *habeas corpus*, however, did redound mostly to the President's benefit and rather slighted Congress's role. In this area, Whiting was harsher, relying on the doctrine that only "Necessity arbitrates the rights and the methods of war." Therefore it did not matter how far the neighborhood of the act in question was from the actual battles or whether the party in question was engaged in any *overt* act. The only question was whether the person's being at large would "tend to *impede*, embarrass, or hinder the *bona fide* military operations in creating, organizing, maintaining, and most effectually using the military forces of the country." As for Congress, this simply was not a field in which it was adept. Said Whiting: "The facts on which public safety in time of civil war depends can be known only to the military men, and not to the legislatures in any special case. To pass a law as to each prisoner's case, whenever public safety required the privilege of the writ to be suspended, would be impracticable."

The specific argument concerning emancipation as a right of war rested heavily on arguments former President John Quincy Adams had used when he returned to Washington to be a Representative in the House. Over twenty years before the Civil War, Adams had argued that the law of nations sanctioned emancipation of the enemy's slaves as a legitimate act of war. A particularly powerful example of this had been the actions of three British commanders in the American Revolution. They

had offered freedom to slaves who would join them against the colonists. In the War of 1812, Great Britain used the same tactic again, and the liberated slaves were carried away to Britain in violation of the express terms of the Treaty of Ghent. France had exercised the same power in Santo Domingo, and in Colombia, slavery had been abolished by the military command of General Bolivar. Moreover, the United States itself had in 1814 used slaves as laborers in the Battle of New Orleans without compensating the masters for the slaves who were killed as a result of this action. In the Seminole wars, the United States Army had rewarded slaves who acted as spies and scouts with their freedom and treated captured slaves who were fighting with the Indians as prisoners of war and not as property to be returned to their masters. Here Whiting was at his lawyerly best, citing precedents for Lincoln's actions, but the ground had already been well laid out by John Quincy Adams years earlier.

By January 1, 1863, of course, almost all of Solicitor Whiting's arguments had become apologies rather than suggestions for the future. With the exception of Congress's acting to abolish slavery, the rest had become history. The Lincoln administration had emancipated slaves by exercise of the President's war powers, and there had been so many arrests in the North without charges that Lincoln was accused in some (Democratic) circles of becoming a dictator. But what Whiting chose to write about in July of 1863 would remain a hotly contested issue for years to come. In his letter on the "Return of Rebellious States to the Union," Whiting informed the Union League of Philadelphia about his views on reconstruction.

The message of Whiting's letter was, as usual, simple: "Beware of committing yourselves to the fatal doctrine of recognizing the existence in the Union, of States which have been declared by the President's Proclamation to be in rebellion. For, by this new device of the enemy, this new version of the poisonous State rights doctrine, the secessionists will be able to get back by fraud what they failed to get by fighting." In this area, perhaps even more than the others, the constitutional questions were confusing in the extreme, but Solicitor Whiting simplified them. According to Whiting, the Supreme Court decision in the case of the *Hiawatha* (March 9, 1863) determined in effect that at least since July 13, 1861, the United States had been involved in a "territorial war" against the Confederate States, and that the laws of war thus converted all citizens of a hostile State into a public enemy. As a result, said Whiting, "every citizen residing in the belligerent districts became a public enemy irrespective of his private sentiments, whether loyal or disloyal, friendly or hostile, Unionist or secessionist, guilty or innocent."

The practical effect of this constitutional argument was to make it possible for the United States to demand that the seceded States meet certain conditions before they could become states of the United States again. If the war were seen merely as a rebellion of certain disaffected citizens, then when the rebellion was quelled the seceded States immediately became States again, with all the legal privileges and immunities from federal action that Massachusetts or Illinois enjoyed. If the war was in some sense a war against a hostile territory, on the other hand, then the status of the territory once the war was over was much less clear, and Congress or the President could perhaps exert powers over the area which they certainly could not exert if the area had become immediately States of the Union again. Significantly, Whiting showed no interest in saying which — the President or Congress — had the powers.

Uppermost in Whiting's mind, of course, was the question that had interested him all along: "If you concede State rights to your enemies, what security can you have that traitors will not pass State laws which will render the position of the blacks intolerable, or *reduce them all to slavery*?" He ended the letter with this policy recommendation:

One of two things should be done in order to keep faith with the country and save us from obvious peril. Allow the inhabitants of conquered territory to form themselves into States, only by adopting constitutions such as will forever remove all cause of collision with the United States, by excluding slavery therefrom,

THE  
WAR POWERS OF THE PRESIDENT,  
MILITARY ARRESTS,  
AND  
Reconstruction of the Union.

BY  
WILLIAM WHITING.

Eighth Edition.

BOSTON:  
JOHN L. SHOREY,  
WASHINGTON STREET  
1861

From the Lincoln National Life Foundation

This is the title page of William Whiting's book. The Lincoln Library and Museum owns a copy of the eighth edition in its special collection of books that Lincoln read. This collection is currently undergoing an evaluation to determine as nearly as possible what evidence historians have that Lincoln read the books on social and political topics.





From the Lincoln National Life Foundation

Carpenter's painting shows more clearly than the later engravings of it Lincoln's placement with what the painter called the "radical" faction of the cabinet. Lincoln is grouped with Stanton and Chase; Welles, Seward, Bates, Blair, and Smith form the "conservative" group. The portrait of Simon Cameron, Stanton's predecessor as Secretary of War, appears with the "radical" group because he was, according to Fred B. Perkins, "the first member of the Cabinet to avow the radical belief as to what should be done with the negro in the war." On the other hand, Andrew Jackson's portrait appears above Welles's head. Jackson's opposition to Nullification earned him a place in the picture, but his views on slavery necessarily separated him from the Chase and Stanton group.

or continue military government over the conquered district, until there shall appear therein a sufficient number of loyal inhabitants to form a republican government, which, by guaranteeing freedom to all, shall be in accordance with the true spirit of the constitution of the United States.

To say that Lincoln liked William Whiting, of course, is not to say that he endorsed all of Whiting's ideas. Some of those ideas Lincoln surely did not like. Lincoln never thought Congress could in peacetime touch slavery in the States where it already existed. Lincoln also clung in certain specific instances to the view that reconstruction was a question of individual loyalties to be restored. Thus his famous "ten-per cent plan" envisioned a nucleus of loyal individuals who would bring the seceded State quickly back into its normal relations to the United States government. Lincoln's Proclamation of Amnesty and Reconstruction of December 8, 1863, issued less than six months after Whiting had made his views on reconstruction known, rested not on any belligerent rights over conquered hostile territory or public enemies but on the President's pardoning power — that is, on his own power to judge when the disloyal individuals had ceased disloyalty and become *ipso facto* normal United States citizens. But, as Herman Belz points out, Lincoln came closer to Whiting's views than one might imagine from reading Randall's *Constitutional Problems under Lincoln* or T. Harry William's *Lincoln and the Radicals*. On the most important substantive point, the Proclamation of Amnesty and Reconstruction agreed with Whiting's "Return of Rebellious States to the Union": both thought emancipation had to be a condition of reconstruction. Lincoln's proclamation required those seeking amnesty to "abide by and faithfully support all acts of Congress . . . and proclamations of the President made during the existing rebellion having

reference to slaves." To allow anything else, Lincoln thought, would be "a cruel and astonishing breach of faith." Moreover, Lincoln indicated only that it was "not improper" that previous state boundaries and state constitutional and legal provisions and customs be retained by reconstructed states. Nor did he rule out plans of reconstruction other than the one he announced in the Proclamation of Amnesty and Reconstruction as live possibilities.

Historians and Lincoln biographers have been too quick to draw members of the Republican party as divided into distinct factions with clearly delineated policies of reconstruction during the Civil War. Ideas were in a state of flux throughout the period, and that goes for Abraham Lincoln's ideas as well. Whatever their policy differences, Lincoln still liked Solicitor Whiting "very much" as late as 1865. Moreover, their policy differences were not as extreme as one might think. When Francis Bicknell Carpenter painted "The First Reading of the Emancipation Proclamation Before the Cabinet," he not only included Whiting's *War Powers of the President* as an important "accessory" to that momentous historical event, but he also included this symbolic message which he described in his book *Six Months at the White House with Abraham Lincoln: The Story of a Picture* (New York: Hurd and Houghton, 1866):

There was a curious mingling of fact and allegory in my mind, as I assigned to each his place on the canvas. There were two elements in the Cabinet, the radical and the conservative. Mr. Lincoln was placed at the head of the official table, between two groups, nearest that representing the radical, but the uniting point of both.

Editor's Note: I am much indebted to Herman Belz's *Reconstructing the Union: Theory and Policy during the Civil War* (Ithaca: Cornell University Press, 1969). M. E. N., Jr.





# Lincoln Lore

June, 1973

Bulletin of The Lincoln National Life Foundation...Mark E. Neely, Jr., Editor, Published each month by The Lincoln National Life Insurance Company, Fort Wayne, Indiana 46801.

Number 1624

## JOHN TOURO TO ABRAHAM LINCOLN, JANUARY 7, 1865: NEW ORLEANS UNDER THE "BEAST" AND BANKS

### A Newly Acquired Letter to Lincoln

Washington City,  
January 7th, 1865.

To His Excellency  
Abraham Lincoln,  
President of the United States,  
Sir:

Various loyal citizens of New Orleans, La, feeling themselves agrieved by the action of the military authorities at that point, have delegated me to lay their cause of complaint before your Excellency, and ask from you such relief as your wisdom, and sense of justice, may deem proper to extend to them.

The parties who I have the honor to represent, are loyal to the Government of the United States, having taken the required oath under the Amnesty proclamation, issued by you, and which fact, pursuant to your proclamation, if their status as to loyalty is satisfactorily established, relieves them from the effects of all military orders affecting their rights as loyal citizens, and more particularly, when by your proclamation of January 1st, 1863, you declare the City of New Orleans, and the Parish of Orleans, as not in a state of rebellion!

The cause of complaint of those whom I have the honor to represent, is as follows:

After the occupation of the City of New Orleans, by Genl B. F. Butler, he, by order No. 55, dated August 4, 1862, made an assessment upon certain of the citizens of that place who it was alleged had subscribed to the "Committee of Safety", for the advancement of the Rebel cause, and required them to pay the full amount in quarterly installments, and which fund was to be appropriated for the benefit of the poor of that City, See exhibit No. 1, Pages 17, and 18.

Agreeably to that order, the parties duly paid three installments, the last pursuant to order No. 144, of date October 3rd, 1864, by command of Major Genl Hurlburt, herewith submitted, marked No. 2: The parties were without remedy, being compelled to pay the same within 24 hours from the receipt [sic] of order, or else subjected to imprisonment, and seizure of

their property! This installment was paid, but under protest, the parties alleging with great force that they were in fact and in law relieved from the effect of the order of Genl Butler, No. 55, by your *amnesty proclamation*, and by their conforming to its provisions by taking the oath of allegiance prescribed, by recognizing the supremacy of the Government of the United States, and conforming to all the laws thereof!

The object of that proclamation was to induce parties to return to their allegiance, and when they have done so, and are living in a section declared by you not to be in rebellion, justice demands that they should not be held responsible for past offences after *their pardon* has been fully granted by you.

They therefore ask as loyal citizens of the Government of the United States, that, they may be relieved from the oppressiveness of this order, and that the *last installment paid by them which was after the date of your amnesty proclamation, and their taking the required oath, and establishing their loyalty, be refunded to them* by the proper authorities, upon satisfactory evidence establishing their loyalty, and that order No. 55, so far as the fourth, and last installment is concerned, may be rescinded!

Your petitioners cannot believe that the intent of the Government is to oppress them, by receiving, and considering them as loyal citizens of the United States, and at the same time punish them as enemies, which is in fact the effect of the continuance of this order of Genl Butler.

I present for your consideration the petition of E. Giquel, one of the parties in interest, see No. 3, with the accompanying papers, which will fully show the facts of the case presented for your consideration.

Feeling satisfied that your Excellency desires to do ample justice to all parties, I submit the cause of my friends to your determination, with every assurance that you will extend to them the relief which in justice, and in law, they are entitled to.

I have the honor to be,  
Your very Obedt Servt,

John Touro

of New Orleans  
at Willards Hotel  
Washington City  
D. C.

Washington City,  
January 7th, 1865.  
To His Excellency  
Abraham Lincoln,  
President of the United States,  
Sir:

Various loyal citizens of New Orleans, La, feeling themselves agrieved by the action of the military authorities at that point, have delegated me to lay their cause of complaint before your Excellency, and ask from you such relief as your wisdom, and sense of justice, may deem proper to extend to them.

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From the Lincoln National Life Foundation

John Touro's letter to Abraham Lincoln is written on the front and back of two ruled pages. A third page is blank on the front but bears on the back the remarks, "Papers submitted By John Touro, of New Orleans La. Praying that order No. 55 issued by Gen'l B. F. Butler, may be rescinded." Below this appears an apparently forged Lincoln endorsement.



## New Orleans under Federal Control

On May 1, 1862, General Benjamin F. Butler assumed control of the city of New Orleans, Louisiana. In his autobiography, entitled simply *Butler's Book*, the former Democratic politician from Massachusetts who, as a delegate to the Charleston convention in 1860, had voted fifty-seven times for Jefferson Davis to be the Democratic nominee for president, explained the situation he occupied in a city removed by federal forces from Jefferson Davis's Confederate domain: "Having supreme power, I used it in the manner I have set forth."

Butler took his job seriously, attempting not only to maintain the city's functions in some minimal way until Louisiana assumed more normal relations with the United States but also to improve the city. The New Englander was appalled at the conditions in the Southern city. Touring New Orleans with his wife early in May, Butler "came upon the 'basin,' a broad opening or pond for the reception of canal boats." *Butler's Book* describes the experience this way:

As we approached the "basin," the air seemed filled with the most noxious and offensive stenches possible, —so noxious as almost to take away the power of breathing. The whole surface of the canal and the pond was covered with a thick growth of green vegetable scum, variegated with dead cats and dogs or the remains of dead mules on the banking. The sun shone excessively hot, and the thermometer might have been 120°. We turned to the right and went down along the canal as far as Lake Pontchartrain, finding it all in the same condition until within a few rods of the lake. We drove back by a very different route.

Butler summoned the city superintendent of streets and canals and asked him what was the matter with the canal.

"Nothing, that I know of, General."

"Have you been up lately to the head of it?"

"Yes; there yesterday."

"Didn't you observe anything special when you were there?"

"No, General."

"Not an enormous stink?"

"No more than usual, General; no more than there always is."

"Do you mean to tell me that the canal always looks and stinks like that?"

"In hot weather, General."

"When was it cleaned out last?"

"Never, to my knowledge, General."

"Well, it must be cleaned out at once, and that nuisance abated."

"I cannot do it, General."

"Why not?"

"I don't know how."

"Very well, your services are no longer required by the government for the city. I will find somebody who does know how. Good-morning, sir."

Fearing that the Confederates were "relying largely upon the yellow fever to clear out the Northern troops," Butler obtained a history of the yellow fever epidemic that struck New Orleans in 1853, he found a map shaded to indicate the areas of the city heaviest hit by the epidemic, and he inspected those areas. "I thought I detected why it raged in those spots," said Butler, "they were simply astonishingly filthy with rotting matter."

Butler instituted a program to fight the fever. First, he established "a very strict quarantine," stopping vessels entering the port for inspection by a health officer. Any ship found with sickness on board was required to stay away for forty days and then undergo reinspection. No ship coming from a port where yellow fever was raging was allowed to come in for forty days.

The second part of his program was more ingenious, it being the solution to two problems at once. Butler explained the second prong of his attack this way:

New Orleans, June 4, 1862.

To the Military Commandant and City Council of New Orleans:

General Shepley and Gentlemen:—Painful necessity

compels some action in relation to the unemployed and starving poor of New Orleans. Men willing to labor cannot get work by which to support themselves and families, and are suffering for food.

Because of the sins of their betrayers, a worse than the primal curse seems to have fallen upon them: "In the sweat of thy face shalt thou eat bread until thou return unto the ground."

The condition of the streets of the city calls for the promptest action for a greater cleanliness and more perfect sanitary preparations.

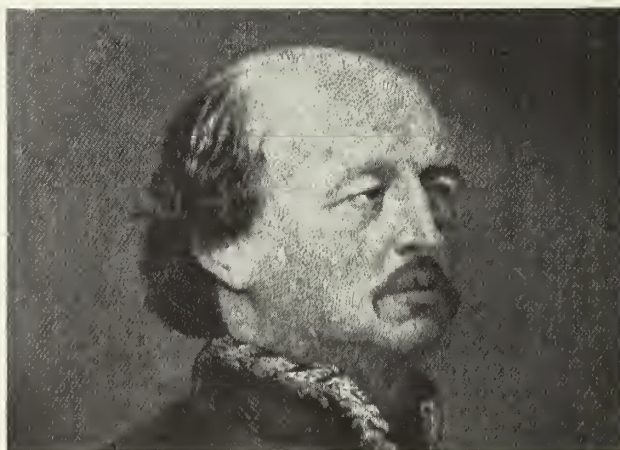
To relieve, as far as I may be able to do, both difficulties, I propose to the city government as follows:

... The city shall employ upon the streets, squares, and unoccupied lands in the city, a force of men, with proper implements, and under competent direction, to the number of two thousand, for at least thirty working days, in putting those places in such condition as, with the blessing of Providence, shall insure the health as well of the citizens as of the troops.

The necessities of military operations will detain in the city a larger number of those who commonly leave it during the summer, especially women and children, than are usually resident here during the hot months. Their health must be cared for by you; I will care for my troops. The miasma which sickens the one will harm the other. The epidemic so earnestly prayed for by the wicked will hardly sweep away the strong man, although he may be armed, and leave the weaker woman and child untouched.

Thus General Butler planned his clean-up campaign in New Orleans as a form of poverty relief. He would put men, unable to find work in this commercial city brought to stagnation by war and blockade, on public-works jobs provided by the government. There is a consistent strand in Butler's otherwise varied career leading from his serving as counsel for the factory girls in Lowell, Massachusetts to his public-works program in New Orleans and perhaps even to his later association with the Greenback party.

"To do these things required much money," Butler pointed out needlessly. "The poor had to be fed, the streets had to be cleaned, the protection from yellow fever had to be made sure, and able-bodied, idle men had to have employment to keep them from mischief and maintain their families. There was power enough to do all this, but in what manner could it be paid?" He also had to find funds to support the Charity Hospital and other hospitals in the city.



From the Lincoln National Life Foundation

Benjamin Franklin Butler (1818-1893), though he came from a family of modest economic circumstances, graduated from college and became a lawyer. He acquired considerable wealth through his law practice, but he was always identified as a friend of labor and the Catholic immigrants in his home State of Massachusetts. Butler's rule of New Orleans was but one in a series of controversial events in his political life, which saw him move from the Democratic to the Republican party and eventually become a candidate of the Greenback party before returning to Democratic ranks in 1879.



Butler's solution—embodied in Order No. 55 which ultimately occasioned the letter to Lincoln reprinted in this *Lincoln Lore*—he explained this way in *Butler's Book*:

I had the documents to show me that not long before we came, there had been a "city defence fund" committee organized to receive subscriptions and issue bonds to the amount of a million dollars to the subscribers to that fund, which bonds were to bear quite a rate of interest. These subscriptions had been paid.

A large portion of them were those of rich foreign-born men, some of whom had taken the oath of allegiance to the United States, but almost all of whom had taken the oath of allegiance to the Confederacy. And there was another class of citizens, cotton planters, who had issued a paper advising that no cotton should be brought to the city as a matter of merchandise.

I assumed that I should need for my expenditure a sum between \$500,000 and \$700,000, and I ordered that an assessment equal to one half of the subscriptions to the "fund," and a sum equal to one hundred dollars for each of the offenders of the other class should be paid to my financial agent forthwith, with which to pay for this work that had been and was being done. I held that these men had made the expenditure necessary and therefore these men should pay for it. That order, it is needless to say, was enforced, and it is also needless to say, was the cause of protests of the foreign consuls in behalf of "neutral" forsworn rebels.

Butler justified his means of funding in several ways. One justification came from the standpoint of retributive justice: "There seemed to me no such fit subjects for . . . taxation as the cotton brokers who had brought the distress upon the city, by thus paralyzing commerce, and the subscribers to this loan, who had money to invest for purposes of war, so advertised and known as above described." It had been unofficial Confederate diplomatic policy to bring European intervention on the side of the South by cutting off Europe's cotton supplies, forcing European nations to end the Civil War in order to re-



From the Lincoln National Life Foundation

Nathaniel Prentiss Banks (1816-1894) was, like Benjamin Butler, a one-time Massachusetts Democrat, and not a professional soldier. He succeeded Butler as commander in New Orleans in December, 1862, and at first initiated a policy apparently meant to be more moderate than Butler's. After a brief period Banks returned to Butler's policies, including taxation of supporters of the Confederacy to provide relief for the poor of the city. In 1864, Banks initiated elections for Louisiana State offices and for a constitutional convention and lobbied unsuccessfully in Washington for acceptance of this government as the legal government of Louisiana. Unlike Butler, Banks went from the Democratic party to the Republican party via the anti-Catholic and anti-foreign Know-Nothing or American party. Like Butler, Banks would eventually return to Democratic ranks.

store the flow of "King Cotton" to their textile mills. The cotton factors were thus aiding the cause of Southern independence by requesting that planters not bring their cotton to the city for export to Europe. This also served to paralyze trade and induce the economic depression in the city Butler was attempting to relieve.

To the protests of foreign ministers that he was levying a tax upon foreigners, Butler replied that much of the economic relief—perhaps as much as ninety per cent—went to poor foreigners in New Orleans. Moreover, Butler complained, foreigners played both ends against the middle by taking oaths of allegiance to the Confederacy and then claiming neutrality when United States authorities assumed command. Some apparently claimed they subscribed funds merely as an investment for the sake of the profit to be derived from the venture rather than for the political purpose of aiding the Confederacy. Replied Butler: ". . . is the profitability of the investment to be permitted to be alleged as a sufficient apology for aiding the rebellion . . . ?" Throughout the discussion in *Butler's Book*, the tone of the remarks is that the foreign residents of New Orleans were hypocrites and secessionist sympathizers.

Finally, there was the obvious point of Butler's welfare measures: "Further, in order to have a contribution effective, it must be upon those who have wealth to answer it." If the poor were starving, only the rich could afford relief.

Butler seems not to have known what happened in New Orleans after he was relieved as commander of the Department of the Gulf by General Nathaniel P. Banks in December, 1862. Order No. 55 was sustained by Butler's superiors on December 9, 1862, on which date he renewed the assessment, the fund having been exhausted. However, as Butler related it,

I was relieved by General Banks six days after. As the time this assessment was to be paid was at the expiration of seven days [i.e., December 16], and I was relieved before that time, of course nobody paid the assessment according to the order. Within thirty days General Banks found himself under the necessity of renewing the order and did so. But nobody paid the slightest attention to it and nobody paid anything afterwards on that order, and it stands to-day unrepealed, uncanceled, and unexecuted. But the necessities of the poor remained the same, and if they were relieved it must have been from some other source.

If the letter from Mr. Touro is correct, then Butler was in error on this point, for the letter asserts the assessment was made and paid at least two times after Butler's departure from New Orleans. Still, Butler's own testimony in *Butler's Book* is rarely heard, though we often hear of the "Beast," as he was called by Southerners. William B. Hesseltine's claim, for example, that Butler "soon had the destitute poor, white and black, of the city working on public works and supported by the fines extracted from the Secessionists" completely ignores the account in *Butler's Book*. General Butler apparently budgeted "fifty thousand dollars a month" to feed "the poor whites of New Orleans." He fed "the negroes at a cost" which he "never knew, because they received their provisions from the supplies of the soldiers." Thus despite his reputation as a daring humanitarian (gained by claiming that Negroes who escaped to his lines were "contraband of war" not to be returned to their masters), Butler claimed he used the controversial fund provided for in Order No. 55 to feed only the white citizens of New Orleans. Historians have been quick to listen to Butler's detractors, but have hardly heeded his own testimony at all. *Butler's Book* reveals a man engaged in pioneering efforts in public health and in relief through public works who is less well known than the "Beast." Also lost in the recriminations over Butler's harshness or corruption is the fact that his reputation for dealing with civilians and escaped slaves was already well established before Lincoln appointed him head of the Department of the Gulf with the responsibility of ruling New Orleans.

Touro's letter bears more on the administration of Butler's successors (notably, it does not protest the pay-



ment made under Butler's original order) and on the legal effect of Abraham Lincoln's proclamation of amnesty than on Butler's own administration. Despite Butler's belief that the assessment was not collected after his departure, this letter and others indicate that Order No. 55 was renewed. Historians seem to be in doubt, however, about how much was actually collected.

It is also true that Major-General Hurlbut's (his name was misspelled by Mr. Touro) General Order No. 144 can be found in the *Official Records of the War of the Rebellion*. This order renewed Butler's assessment against those who had subscribed to the committee of safety. Attached to the order was a schedule of names of contributors, the amount they contributed to aid the defense of New Orleans before the Federal take-over, and the amount they were assessed for the fund for the relief of the poor (the latter was a certain percentage of the former). Gone from Hurlbut's order, however, was the schedule of names of cotton factors who requested planters not to bring their cotton to New Orleans. There is no explanation given in the order for the exclusion of this group, but doubtless the ability of the cotton factors to pay anything was much diminished by 1864 because of the strangulation of commerce caused by the naval blockade and the Federal occupation of New Orleans. It would no longer have been a case of taxing those ablest to pay. At the time, Butler had been replaced by General Banks, but Banks was temporarily away from the Department and General Hurlbut had been left in command by Banks. The name Giquel appears in the schedule of contributors to the committee of safety in both General Orders No. 55 and No. 144. It appears as "Giquel and Jamison," a firm, apparently, which had contributed \$7,500 to the committee of safety and which was assessed \$1,875 for the poor-relief fund. The name of John Touro appears once in Roy P. Basler, *The Collected Works of Abraham Lincoln* (New Brunswick: Rutgers University Press, 1953). Governor Michael Hahn of Louisiana sent a letter to Secretary of War Edwin M. Stanton on August 9, 1864. This letter introduced Touro, who was presenting claims for supplies taken from New Orleans citizens by the United States Army. Lincoln begged off dealing with the problem on August 12. Apparently Touro stayed around Washington to press other claims made by Louisiana citizens.

The claim referred to in the letter to Lincoln acquired by the Library and Museum is based on the contention that taking the oath of amnesty exempted residents of former Confederate territory from Federal martial law and thus from Hurlbut's Order No. 144. Lincoln's Proclamation of Amnesty and Reconstruction of December 8, 1863 offered a pardon to participants in rebellion and restoration of their property rights (with the exception of slave property) if they subscribed to an oath to the Constitution and the Union. They also had to swear to obey Congressional acts and Presidential proclamations affecting slaves. Seemingly, this would exempt oath-takers from arbitrary martial law, but since Congress controlled the recognition of their own membership, a State could gain no recognition in Congress without Congress's approval. The question of what laws governing property the oath-taker *would* be under was simply a chaos. The United States Constitution did not anticipate a civil war, and the question of what conditions had to be met for a state to resume its normal relations with the federal government would vex the President and Congress until 1877. The outcome of this petition (it is not endorsed by Lincoln) is as yet unknown, and the fate of Mr. Giquel and Touro's other petitioners was just one part of the complex legal and political problems that constituted the era of Reconstruction.

## A FURTHER NOTE ON WHITING'S WAR POWERS

In the May, 1973 issue of *Lincoln Lore* (Number 1623), space did not permit discussion of two questions that bear on the article entitled "I like Mr. Whiting very much..." The first is a problem suggested by David Donald in his article "Abraham Lincoln: Whig in the White House" (in Donald's *Lincoln Reconsidered: Essays on the Civil War Era* [New York: Random House,

1956]). Donald contends that Lincoln's rather expansive view of the war powers of the President of the United States was a legacy of his twenty-year identification with the Whig party in politics. His arguments rests on two points, both of which are relevant to the previous discussion of Lincoln and Solicitor Whiting: (1) Whiting was a former Whig, and (2) the President's power to abolish slavery as a war measure had been enunciated by John Quincy Adams, who had been an opponent of Andrew Jackson and the Democratic party.

Whereas a powerful case can be made for the influence of the Whig party's ideology on Lincoln's economic ideas, Donald's case for its influence on Lincoln's constitutional view of the war powers of the executive is unconvincing. If William Whiting was a former Whig, so also was Lincoln's Attorney General, Edward Bates of Missouri. Bates was as persistent a Whig as Lincoln, remaining impervious to the beckoning of the new Republican party at least as late as 1856, when he served as president of the Whig national convention held in Baltimore. Yet his constitutional views fell a good deal short of Whiting's and Lincoln's. Bates differed with Lincoln on the question of admitting West Virginia to the Union, equating its removal from Virginia as itself a form of secession. Although he at first upheld the President's suspension of *habeas corpus*, by 1863 he feared "a general and growing disposition of the military, wherever stationed, to engross all power." Likewise, Bates never questioned the President's power to emancipate slaves as a war measure, but the following observation made by Bates during the war was precisely opposite in spirit to William Whiting's work:

Surely Cicero was right when he said that "in every Civil war, Success is dangerous, because it is sure to beget arrogance and a disregard of the laws of the Government—" (i.e. the Constitution) [.]

These men, flattered with a little success, have opened up to themselves a boundless source [sic] of power. When the constitution fails them, they have only to say "this is a time of war—and war gives all needed powers"!

I am afraid that this Congress is becoming perfectly Radical and revolutionary.

Whiggery by no means led Bates to Whiting's views.

Moreover, as Donald himself admits, John Quincy Adams was not a Whig. When he was elected to Congress in 1831 and returned for eight successive terms, former President Adams ran without specific support from any party in Massachusetts.

More illuminating is some of the information provided by Donald W. Riddle's study of Lincoln's single term in the House of Representatives (*Congressman Abraham Lincoln* [Urbana: University of Illinois Press, 1957]). While serving in Congress, Lincoln had a chance to express an opinion on two of the precedents cited by William Whiting as proof that war even in the United States had meant extraordinary governmental powers over property in slaves.

Lincoln acted differently in each case. When a private bill came up to provide compensation to the owner of a slave abducted by the British during the War of 1812, Lincoln voted for it. Later a bill was proposed to pay compensation to the heirs of one Antonio Pacheco. Pacheco's slave had been hired by the United States Army as a guide and interpreter in the interminable Seminole wars. The slave was captured by the Indians. When Pacheco claimed him later, the Army said that the slave had cooperated with the Indians after he was captured by them and that therefore he must be transported out of the state with the vanquished Indians. Pacheco then sought compensation for the loss of his slave. Anti-slavery Congressmen contended that no compensation should be voted on the grounds that there was no such thing as property in another man. Lincoln voted that payment should not be made to Pacheco, voting with the majority and taking the floor to make sure his vote was properly recorded. Later the bill was reconsidered. Lincoln voted against the move to reconsider, and he voted against the bill again when it was reconsidered (although this time he was in the minority).





# Lincoln Lore

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## NEW PERSPECTIVES ON GRANT

In 1948, when Arthur M. Schlesinger asked fellow historians to rank the Presidents of the United States on their administrations, Ulysses S. Grant got the lowest rating of all. In 1962, in a similar poll, he was next to Warren Harding in having the lowest ratings again. By contrast, Abraham Lincoln's administrations got very high ratings.

In April of this year, at a conference co-sponsored by Northern Illinois University, Southern Illinois University, and the Illinois State Historical Society, the historians present were of a much different opinion about the accomplishments of Ulysses S. Grant. Grant was the hero of most of the papers presented at the conference; the villain, oddly enough, was the historian. Grant's reputation for failure is strictly the verdict of historians, it was asserted; it was not the verdict of Grant himself or of the faithful Republican-voting masses whose admiration for Grant was so strong and so well known as to lead some politicians to desire running Grant for an unprecedented third presidential term. Even in pre-Civil War periods of economic hardship, Grant himself never became dejected and never seems to have thought of himself as a failure.

Professor Thomas L. Connelly further enhanced Grant's military reputation by defending his tactics; Grant's strategy has long been a subject of admiration among military historians. Connelly furthered this judgment by arguing that Grant was not a "butcher" when compared with Robert E. Lee, who lost enormous numbers of men in the Seven Days' campaign, whose ambulance train after Gettysburg was twenty-five miles long, and who never faced the North's "first-string" Generals until the end of the War. The bulk of the conference, however, was given over to rescuing Grant's reputation as a statesman and politician.

Professor Arthur Zilversmit made the most compelling argument in a paper on "Grant and the Freedmen." There was little in Grant's early background to indicate that he would establish a record of dealings with blacks noted for its humaneness. Grant married into a slaveholding family, his wife owned at least one slave (who was freed at a time of economic adversity), and Grant supported James Buchanan in 1856 and Stephen Douglas in 1860 rather than John C. Fremont and Abraham Lincoln. At one point during the Civil War, Grant even predicted that the war would lead to servile insurrections and that Union troops would be asked to put them down. His prediction included no indication that this would be a task he would especially dislike having to do.

During the War, Grant's record was characterized principally by his willingness to obey orders, whether the orders aided the cause of the Negro or not. In Missouri, Grant ordered his subordinates to carry out Fremont's orders aimed at emancipating the slaves of the disloyal. Months later he also ordered them to obey General Halleck's General Order No. Three, which required that no fugitive slave should come into the lines of his troops.

Gradually, however, Grant began to reveal a basically humane outlook on the question of what to do with the freedmen. On his own initiative he issued government supplies to freedmen although he was authorized to do so only if the freedmen were actually employed as laborers by the Union Army. Grant's attempts to send freedmen to Illinois, which was suffering a wartime labor shortage,

were resisted by Illinois and the War Department, both nervous about the popularity of a program that would mean an influx of blacks into the North. Grant fully supported the Lincoln administration's policy of employing blacks as soldiers. As Zilversmit put it, Grant would have obeyed it as an order anyhow, but he also liked the policy, praising Negro troops for their valor on the field and worrying about their treatment as prisoners of war.

Grant the President was as humane, according to Zilversmit, as Grant the General. Here again, however, Grant's beginning was modest enough. There was no strong indication in the election of 1868 that he supported any particular policy (humane or otherwise) towards the freedmen. Like the General, the Presidential candidate claimed that he would simply obey orders, this time, the orders of the people. His duty was to execute the policies determined by the people through Congress.

During Reconstruction, however, simply executing the law placed Grant among those who were most concerned about the fate of the freedmen. While Congress showed an ever-increasing reluctance to vote the funds necessary to give administrative punch to the laws enacted to protect the recently freed blacks, Grant continued rather steadily to attempt to enforce the laws that were on the books, sending more Federal troops into South Carolina in 1876 than had been in the State since 1865.

Moreover, Grant went beyond the mere letter of the law and beyond the realm of mere obedience to orders. Zilversmit noted that Grant's Inaugural Ball for the first time in American history included blacks as guests. He got strong support from Negro leaders like Frederick Douglass, who considered Grant their friend.

Grant eventually gave up. In the face of an increasingly hostile Supreme Court and a reluctant Congress, Zilversmit said, Grant eased his enforcement efforts, decided the Fifteenth Amendment was a mistake, and supported Rutherford B. Hayes's removal of support for the Federal regimes in Louisiana and South Carolina in 1877.

Professor Michael Les Benedict's "Grant and the Decline of Republican Radicalism" presented rather a different picture of Grant, though Zilversmit had admitted that Grant's attitude towards the race question varied and stated explicitly that it was unclear what he stood for in 1868. Benedict made clearer what Grant stood for as a presidential candidate: he was backed by conservatives to head off the chances of men more radically inclined on Reconstruction issues, especially Benjamin F. Wade and Salmon P. Chase, who aspired to the Republican nomination also. In New York, Grant's support came from the conservative William Seward-Thurlow Weed faction which had collaborated with President Andrew Johnson. In Pennsylvania, the conservative Andrew Curtin faction, not Simon Cameron's faction, favored Grant. In Indiana, Grant's support came from Oliver P. Morton and not from radical George Washington Julian. Even some Democrats were considering running Grant on their ticket. Grant's nomination was assured by the results of the 1867 elections which Republican politicians interpreted as a rebuke to radical Reconstruction policies.

The comment on Professor Benedict's paper, while a predictable enough observation from the standpoint of an historian (Paul Kleppner) interested in examining



what the masses of American voters thought, was perceptive and suggestive of problems sometimes ignored by historians of the Civil War era. *Lincoln Lore* No. 1622 was an attempt in part to address some of these same questions. Kleppner suggested that Benedict's view was based on a study only of party elites and not of the broad base of party voters. He also suggested that Benedict saw only traditional Civil War and Reconstruction issues, while ignoring issues that were of vital concern to many voters and politicians, in particular, the issue of the large numbers of immigrants who had come to America from Ireland and Germany since the potato famine and the unsuccessful 1848 revolutions. The Republican party before the Civil War absorbed most of the anti-Catholic and anti-foreign Know-Nothing party voters, and Kleppner suggested that factions in the party stemming from this issue may simply have taken different sides on Reconstruction issues. Civil War and Reconstruction may not have determined the factions.

A free-wheeling panel discussion held on the last day of the Grant conference provided a stimulus to future historical investigation and also gave rise to suggestive comparisons between Grant and Lincoln. Surprisingly, Grant had to that point been compared to Dwight D. Eisenhower and Lyndon B. Johnson, but Lincoln had been kept in the background. Zilversmit had mentioned that Grant's policies towards the freedmen had developed much as Lincoln's had, gradually, pragmatically, and largely as a result of military necessity.

In the panel discussion Lincoln scholar Richard Current stated flatly that Grant learned nothing from Lincoln on the race question, for Grant's commitment to Negro suffrage went far beyond any policy Lincoln was ever committed to on a national scale. Others suggested that Grant's poor standing with historians, when considered in relation to Lincoln's higher standing, was a product of circumstance. On the one hand, Lincoln faced tremendous opposition within his own party in 1864, as Grant did from the Liberal Republican movement in 1872. Had the Civil War not been seen to a successful conclusion before Lincoln's assassination, historians might have been as concerned with his failures as with Grant's alleged failures. On the other hand, Grant's administration was marked by controversy over corruption, a sort of controversy from which Lincoln's administration was relatively free. Yet, as Professor Benedict pointed out, Grant bore the blame for corruption with which he had nothing at all to do. Benedict cited the example of Henry Adams, who became disenchanted with Grant at the same time he was doing research on the corruption of the Erie Railroad Wars in New York. Grant had nothing to do with the Erie Railroad scandals, but Adams came to blame Grant as a sort of symbol of a corrupt age.

An interesting contrast of personality was made by John Y. Simon, editor of the Grant papers, whose depth of knowledge about Grant did much to make the conference the gold mine of information that it was. He pointed out, with Benedict's help, that Grant lacked Abraham Lincoln's driving ambition, and especially his driving political ambitions. As a soldier, Grant's tendency was to serve as a duty. He replaced Edwin Stanton as Secretary of War in Andrew Johnson's cabinet largely because he feared the position might go to a worse man, perhaps a disloyal Democrat. He had an apparently genuine reticence about the Presidency, and again it was the disastrous results of the 1867 elections and the likelihood that neither Chase nor Wade could beat the Democrats (whom Grant equated with Copperheads) that persuaded him it was his duty to serve. To the degree that he was an adept politician, much of his acumen stemmed from natural personality traits of being extremely withdrawn and reticent to make his feelings public to anyone and of a life-long tendency to reward friends for their loyalty to him.

### The View From *Lincoln Lore's* Perspective

Up to this point I have reported the results of the conference with little comment on the merits of the case for Grant. In conclusion, however, a few remarks on what the conference indicated for Lincoln scholarship seem in order. Zilversmit's allusion to similarities between Lincoln and Grant in regard to the developing race issue seems much more accurate than Professor Current's appraisal. Professor Current's comment that

Grant was committed to issues that Lincoln never was ignores, of course, the thrust of much recent Lincoln scholarship by such historians as Eric Foner and Herman Belz, which has suggested, first, how strong the Republican commitment on the slavery question was *when seen in juxtaposition to the Democrats' policies* and, second, how rapidly issues moved during the Civil War era and how willingly Lincoln moved along with them. The implication is that Lincoln might have moved to Grant's position had he lived. Moreover, Zilversmit's case itself ignores the implications of the fact that Grant had the issue forced upon him (by having to deal with refugee slaves in the field) to a much stronger degree than Lincoln and was a very reluctant Republican indeed, it not being clear what his partisan identification was (after 1860) until almost 1868. If anything, Grant's rapid changes on the race issue are an index to the degree of caution that must be exercised by the historian who would speculate on Lincoln's course during Reconstruction had he lived.

On the other hand, the point of the Grant specialists must be heeded. Historians cannot be mere camp-followers who react favorably to Lincoln in general merely because of the success of the Northern armies in the Civil War or, conversely, unfavorably towards Grant because of instances of corruption which are connected with him only by virtue of having occurred *while* he was President or by partisan charges against the Reconstruction governments in the Southern States.

Presidents' historical reputations often move in pairs. When Franklin Delano Roosevelt falls in the historians' esteem, Herbert Hoover generally rises. When Pierce and Buchanan are on the rise, Lincoln's reputation among historians dips. There was some tendency towards such a phenomenon at the Grant Conference in regard to the reputations of Lincoln and Grant, but there was as strong a reverse tendency to see Lincoln's and Grant's central concerns with race and nationalism as of a piece. Grant and Lincoln may rise in historical esteem together.

### The "Beast" in Norfolk, Virginia

In the June, 1973 *Lincoln Lore*, a newly acquired letter to Lincoln occasioned a consideration of certain aspects of General Benjamin F. Butler's rule of the conquered city of New Orleans. An attempt was made there to argue that Butler's reputation for sternness and corruption should not be allowed to overshadow entirely the quality of the programs and the motivation behind the programs initiated by Butler in New Orleans. At least, Butler's case for himself should be heard. A New Englander in what was to him a strange, almost tropical land, Butler taxed, organized, and administered to the end of making New Orleans a more familiar place.

It was also argued that there were threads of consistency in Butler's varied career from attorney for the female factory workers in Lowell, Massachusetts, to employer of the poor and unemployed in New Orleans and even to membership in the Greenback party. There is some evidence of consistency as well in Butler's policies towards conquered cities. On November 2, 1863, Butler assumed command of the Department of Virginia and North Carolina. Within this department, Union forces controlled the cities of Portsmouth and Norfolk, though Butler's headquarters were located at Fortress Monroe.

The account in the autobiography, *Butler's Book*, is by no means as extensive as the account of his actions in New Orleans, but from all appearances Butler's rule of Norfolk was quite similar to his rule of New Orleans both in aim and in amount of controversy resulting from it. According to Butler, he again sought financing for his projects from local sources: "No dollar of it ever came out of the treasury of the United States, but it was collected in various ways under my command." The ports of the department were blockaded, and nothing could be landed at Norfolk from the North or foreign countries that was not certified by the commanding general as not constituting contraband of war. Butler taxed the men engaged in this legitimate trade.

Butler also taxed recruiters who came to his department to recruit former slaves to fill the quotas for their home states. Recruiting black males left "the women and children to be taken care of by the United States."



Butler therefore issued an order that no recruiting agent should take a Negro out of his department "until he paid over one third of the bounty money for the support of the wives and children of the blacks."

Butler also repaired the inefficiency of the Treasury Department by establishing his own appointed agent to collect the twenty-five per cent tax on cotton brought to the North from the Confederacy. The Treasury Department was slow in appointing agents to administer this law, and Butler's move was made to tax the cotton which was being shipped out of his department at a feverish rate to beat the arrival of the Treasury agents. Eventually, the Treasury Department appointed Butler's agent as its own.

*Butler's Book* explains what he did with the money:

Now what did I do with the money thus gained,—not one cent of which came out of the treasury of the United States? I paid largely the expenses of digging Dutch Gap Canal; I built a hospital at Point of Rocks and furnished it with gas and water, and with cows for milk, and I expended a portion of it in sinking an artesian well, and built barracks for the soldiers at Fortress Monroe.

I found convicts, deserters, and others imprisoned at Fort Norfolk, doing nothing but eating their rations. I got a live Yankee and put him in charge as superintendent, and sent to Massachusetts and got prison uniforms, half black and half gray, and scarlet caps, with which to clothe these convicts, so that they could not easily escape when at work. I gave the superintendent charge of these men and told him to put them to work on the streets of Norfolk. I said to the men: "If you will work well and behave yourselves you shall have so many days deducted from your sentence according to your merits." In consequence they labored well and did an exceedingly large amount of work. The result of this was that permanent work was done which was charged to the city of Norfolk, for paving, etc., and on the Dismal Swamp Canal to which the United States paid large rents, to the amount of about \$38,000, while my whole prison labor cost less than \$9,000. Besides this, from the 15th of April to the 15th of June there was taken a thousand loads of filth per week from Norfolk, and by this means the yellow fever was kept out.

... Again, I found that the poor of Norfolk were cared for in this way: Every commissioned officer could give a certificate to any one, that he or she was an indigent citizen, and when this certificate was taken to the commissary's office, rations might be drawn upon it. The result of this was that there were a great many poor young women in Norfolk drawing rations from the government, the number being in proportion to the number of commissioned officers. I broke up that practice. I established a commission to examine and decide who really needed assistance, and thereafter rations were issued to those only who were deserving, numbering something like five thousand white people daily,—for the negroes took care of themselves,—and the expense of this assistance to the needy of Norfolk, under the regulations adopted under my administration, averaged for each ration eight or nine cents a day.

To some degree, then, Butler initiated a program of care for the poor, city improvements, and yellow-fever prevention not at all unlike the one he initiated in New Orleans.

The result, however, was like the result in New Orleans: conflict and complaints. In Virginia, the problem was that Butler's military rule conflicted with the civilian rule of a quasi-legal loyal Virginia government under Francis H. Pickens. Both attempted to rule Norfolk at once, and eventually Butler ordered an election to let the people of Norfolk decide whether they preferred martial law under Butler or whatever kind of law Pickens's regime would provide.

The voters of Norfolk preferred Butler, but the conflict provoked Lincoln's interference. The following is part of a draft of an uncompleted letter (dated August 9, 1864) which was enclosed in another letter sent months later to Benjamin Butler from the President:

Coming to the question itself, the Military occupancy of Norfolk is a necessity with us. If you, as Department commander, find the cleansing of the City

necessary to prevent pestilence in your army—street lights, and a fire department, necessary to prevent assassinations and incendiaryism among your men and stores—wharfage necessary to land and ship men and supplies—a large pauperism, badly conducted, at a needlessly large expense to the government, and find also that these things, or any of them, are not reasonably well attended to by the civil government, you rightfully may, and must take them into your own hands. But you should do so on your own avowed judgment of a military necessity, and not seem to admit that there is no such necessity, by taking a vote of the people on the question. Nothing justifies the suspending of the civil by the military authority, but military necessity, and of the existence of that necessity the military commander, and not a popular vote, is to decide. And whatever is not within such necessity should be left undisturbed. In your paper of February you fairly notified me that you contemplated taking a popular vote; and, if fault there be, it was my fault that I did not object then, which I probably should have done, had I studied the subject as closely as I have since done. I now think you would better place whatever you feel is necessary to be done, on this distinct ground of military necessity, openly discarding all reliance for what you do, on any election.

The draft was not sent to Butler until December, when reports that a similar election was to be held on Virginia's Eastern Shore reached Lincoln.

The conflicts aside, it is interesting to note the similarity of interests and programs between Butler's rule of Norfolk and his rule of New Orleans. Though he was replaced in the Department of the Gulf by General Banks, Butler obviously did not consider the move a rebuke of the policies he had initiated and administered in Louisiana. He followed a similar plan two years later in Virginia. Moreover, Lincoln appears not to have quarreled with Butler's plan itself but only with Butler's justification of the plan. A President who considered that he had constitutional authority to make his most important public act only upon the grounds of military necessity through his power as Commander-in-Chief, Abraham Lincoln was careful that Butler's own reshaping of the areas of the nation entrusted to his rule be based on the same constitutional grounds.



UNCLE ANS. "Hello! Ben, is that you? Glad to see you!" BUTLER. "Yes, Uncle Ans. Got through with that New Orleans job. Cleaned them out and scrubbed them up! Any more scrubbing to give out?"

From the Lincoln National Life Foundation

This cartoon first appeared in *Harper's Weekly* on January 17, 1863, shortly after Butler's removal from the New Orleans post. This cartoonist did not see the removal as a reprimand. He also did not see Butler, as many historians have since his times, as a dirty politician or a beast. Rather, Butler was pictured as a hard-working man who cleaned up dirty jobs. Butler's reputation may have dipped only after Southerners returned to prominence in national affairs and after he became identified with soft-money radicalism as a Greenbacker.



## CUMULATIVE BIBLIOGRAPHY 1972-1973

Selections approved by a Bibliography Committee consisting of the following members: Dr. Kenneth A. Bernard, Boston University, 725 Commonwealth Avenue, Boston, Mass.; Arnold Gates, 289 New Hyde Park Rd., Garden City, N.Y.; Carl Haverlin, 8619 Louise Avenue, Northridge, California; James T. Hickey, Illinois State Historical Library, Old State Capitol, Springfield, Illinois; E. B. (Pete) Long, 607 S. 15th St., Laramie, Wyoming; Ralph G. Newman, 18 E. Chestnut St., Chicago, Illinois; Hon. Fred Schwengel, 404 Union Arcade Bldg., Davenport, Iowa; Dr. Wayne C. Temple, 1121 S. 4th Street Court, Springfield, Illinois. New items available for consideration may be sent to the above persons, or to the Lincoln National Life Foundation.

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## CARABELLI, ANGELINA J. 1972-25

Abraham Lincoln: His Legacy to American Agriculture/Edited by Angelina J. Carabelli/President, Associates NAL, Inc./© The Associates of the National Agricultural Library, Inc./Beltsville, Maryland/1972/Pamphlet, paper, 9" x 6", 20 pp., illus., price, \$1.50.

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Lincoln Memorial University Press/(Device)/Fall, 1972/ Vol. 74, No. 3/Lincoln Herald/A Magazine devoted to historical/research in the field of Lincolniana and the Civil War, and to the promotion of Lincoln Ideals in American/Education./ [Harrogate, Tenn.] Pamphlet, flexible boards, 10 1/2" x 7 1/4", 121-184 pp., price per single issue, \$1.50.

## PHELAN, MARY KAY 1972-27

(Lincoln in greeting position with right hand extended upward holding top hat)/Mr. Lincoln's Inaugural Journey/(Device)/By Mary Kay Phelan/Drawings By Richard Cuffari/Thomas Y. Crowell Company New York/(Double title page)/[Copyright 1972 by Mary Kay Phelan. All rights reserved. Map illustration by Miklos Pinther.]

Book, cloth, 8 1/4" x 5 1/2", 211 (1) pp., illus., price, \$4.50. Juvenile literature.

## RUBINSTEIN, LEW 1972-28

Lew Rubinstein Ein Pfad/durch die Wildnis/Das erstaunliche Leben/des Holzfallers, Flossers,/Ladengehilfen, Postmeisters,/ Advokaten und Präsidenten/der Vereinigten Staaten/von Amerika/Abraham Lincoln/(Device)/Der Kinderbuchverlag/Berlin/[Illustrations by Manfred Butzmann. Copyright 1972.] [Printed in German language.]

Book, cloth, 8 5/8" x 5 3/4", 266 (6) pp., illus. Juvenile literature.

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(Scenes)/Visit Mr. Lincoln's Logan County His Name-sake City and College/(Picture)/visit/mr. lincoln's logan county/(Caption title)/[Original photographic work by Joseph Lincoln Hoblit. Makeup, composition and printing by Newspapers, Inc., Shelbyville, Kentucky 40065.] Pamphlet, paper, 15 1/2" x 11 1/2", 39 (1) pp., illus.

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Songs/of/A. Lincoln/by/Charles J. Bauer/This is number 4 of edition/limited to 266 copies, the/number of words Lincoln spoke/in Gettysburg Address/(Cover title)/[Copyright 1973 by Charles J. Bauer. All rights reserved.]

Pamphlet, flexible boards, 8 1/2" x 5 3/4", (46) pp., illus. Limited edition of 266 copies. Autographed copy No. 4.

## CHANNING L. BETE CO., INC. 1973-2

Meet/Abe Lincoln/(Portrait)/President/of the People/(Cover title)/[Copyright 1972 by Channing L. Bete Co., Inc. 1973 Edition.]

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## ILLINOIS STATE HISTORICAL LIBRARY 1973-3

Illinois/History/Volume 26/Number 5/February 1973/ Abraham Lincoln/The Children's Lincoln—Lincoln as a Soldier—The Other Mary—A Legend of Love—The Wage Earner—The Long/Nine—The Almanac Case—The Bearded/Mr. Lincoln—Slavery Question—A/Case of Smallpox—On the Hanks Trail/(Scene)/The Scholar/(Cover title)/[Copyright 1973 Illinois State Historical Society. Published by the Illinois State Historical Library for the Illinois State Historical Society, Old State Capitol, Springfield, Illinois 62706.]

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Abraham/Lincoln/Theologian of American Anguish/Elton Trueblood/Professor-At-Large Earlham College/Harper & Row Publishers/New York, Evanston, San Francisco, London/[Copyright 1973 by David Elton Trueblood. All rights reserved.]

Book, cloth, 8 1/4" x 5 3/4", ix p., 149 pp., price \$4.95. Autographed copy.

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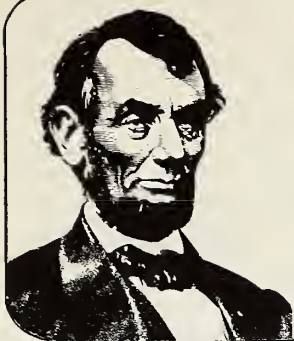
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# Lincoln Lore

November, 1973

Bulletin of The Lincoln National Life Foundation...Mark E. Neely, Jr., Editor. Published each month by The Lincoln National Life Insurance Company, Fort Wayne, Indiana 46801.

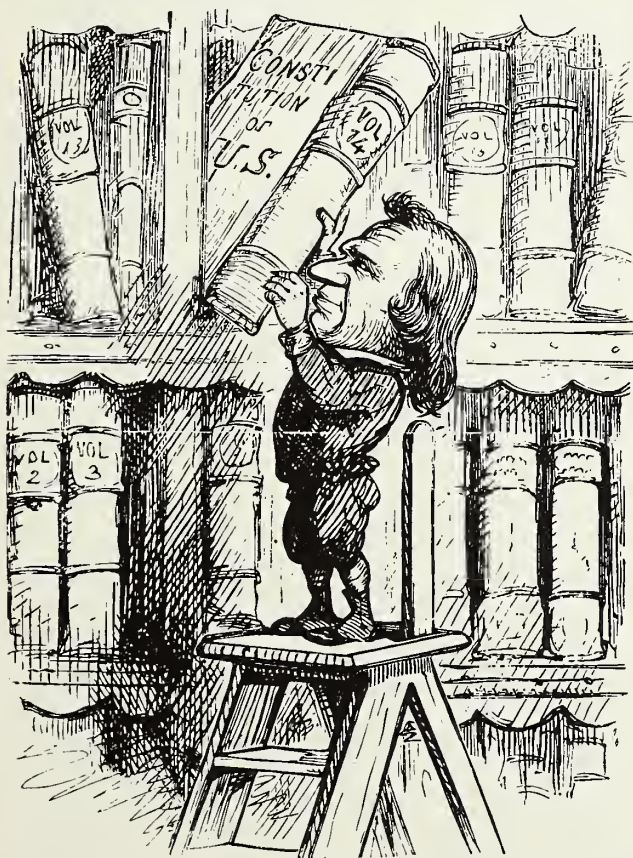
Number 1629

## A NEW LOOK AT THE IMPEACHMENT OF ANDREW JOHNSON

Few periods of American history have changed as radically in the eyes of historians as the era of Reconstruction. Students of America's early national period can still refer to Henry Adams's nine-volume *History of the United States during the Administrations of Jefferson and Madison* (1891) as a work of major significance and usefulness, but few historians of Reconstruction cite anything written before 1940 except to refute it. "Only one event has resisted this historical reversal — the impeachment and trial of President Andrew Johnson," says historian Michael Les Benedict, and his new book, *The Impeachment and Trial of Andrew Johnson* (New York: W. W. Norton and Company, 1973), is an attempt to extend the trend of reversal in Reconstruction historiography to the trial of Andrew Johnson.

Changes in opinion on the Negro since the Depression prompted historians to look at Reconstruction with new

eyes, but changes in opinion on the American presidency tended to exempt the effort to remove Andrew Johnson from any fresh scrutiny. The crisis atmosphere of the New Deal and the Cold War encouraged increases in the powers of the President and encouraged even historians newly sympathetic to efforts to reconstruct the South to continue seeing any attack on the powers of the presidency with a jaundiced eye. The result was historiographical anomaly: the President who did the most to frustrate Reconstruction measures was still viewed as a maligned victim of a blatantly political, short-sighted, and malicious attempt at impeachment and removal. The vote to acquit Johnson was seen (in popular history magazines like *American History Illustrated*, for example) as "the most HEROIC act in AMERICAN history." Senator Edmund G. Ross of Kansas, a Republican who broke ranks and voted to acquit the President, "sacri-



THIS LITTLE BOY WOULD PERSIST IN HANDLING BOOKS ABOVE HIS CAPACITY.



AND THIS WAS THE DISASTROUS RESULT.

From the Lincoln National Life Foundation

Most historians have implied that Congress did not have a constitutional leg to stand on by picturing Andrew Johnson's impeachment and trial as an attempted radical coup. *Harper's Weekly* for March 21, 1868 pictured an insignificant Johnson crushed by the Constitution, thus taking at the time of the trial the opposite view. In the month's that followed, *Harper's* cartoons changed Johnson from a pip-squeak to a monarchial usurper.



ficed his political career to save the American system of government." John F. Kennedy chose Ross as one of the subjects for his *Profiles in Courage*.

How was it that the "American system of government" became so identified with the office of the presidency that impeachment (as firmly rooted in the words of the Constitution of 1787 as the presidential office itself) could be seen only as an un-American act? One need only sample the political-scientific wisdom of the early 1960's to see why historians might have been cool to impeachment. Two popular books, for example, were Richard E. Neustadt's *Presidential Power: The Politics of Leadership* (New York: John Wiley and Sons, 1960) and James MacGregor Burns's *The Deadlock of Democracy: Four-Party Politics in America* (Englewood Cliffs, New Jersey: Prentice-Hall, 1963).

Neustadt has been called the Machiavelli for the American Prince. Neustadt wrote a book analyzing the powers of the President because, in his words, "To make the most of power for himself a President must know what it is made of." The desire to increase presidential powers led to a lack of interest in constitutional restraints on executive power. Citing as an example of executive power President Truman's seven-week seizure of the steel mills in 1952 "without statutory sanction," Neustadt argued that one of the factors "making for compliance with a President's request is the sense that what he wants is his by right. The steelworkers assumed, as Truman did, that he had ample constitutional authority to seize and operate the mills." The constitutional contradiction evoked no response whatever from Neustadt.

James MacGregor Burns argued in his book that there were really four parties in America, congressional Republican and Democratic parties and presidential Republican and Democratic parties. The congressional Republicans and Democrats, elected on local issues in safe gerrymandered districts frequently in off-year elections, had more in common with each other than with the presidential wing of their own parties geared for election on well-publicized national platforms in national elections. Burns pictured the congressional/presidential split as a split between small-town lawyers and big-city lawyers, independent entrepreneurs and big businessmen, state legislators and intellectuals. Burns (himself a Democrat) was more interested in weakening the congressional at the expense of the presidential party than the Republican at the expense of the Democratic party. In his single-minded zeal for the presidency, Burns revealed the same blindness to constitutional issues that Neustadt had shown. Burns's hero "must be willing to take sweeping action, no matter how controversial, and then to appeal to the electorate for a majority, as Jefferson did in 1804 after the Louisiana Purchase. . . ." At the time, Jefferson had been rather embarrassed by the whole affair. He thought himself that the action was unconstitutional because there was no provision about acquiring territory in the United States Constitution. But like Truman's act for Neustadt, Jefferson's evoked little comment from Burns except his saying that the Louisiana Purchase was "magnificently vindicated in history." Burns and Neustadt were intent on increasing presidential power, constitutional balance was their enemy, and constitutional scruple never occurred to them.

In such an atmosphere as that of the era of Neustadt and Burns, no one was likely to view a major congressional effort to limit the actions of an executive as a vital subject for historical investigation. It is little wonder that, as Benedict points out, there has been only one moderately detailed treatment of Johnson's impeachment, and that was done seventy years ago. But Benedict was the student of a legal and constitutional historian (Harold M. Hyman) and was trained to investigate those very issues which seemed like non-issues to Burns and Neustadt.

The major revisionist point of Benedict's book is simple: "To a large extent, the prejudicial view of impeachment most historians have adopted is based on the mistaken notion that government officials can be impeached only for actual criminal offenses indictable in regular courts. However, numerous studies of impeachment have contradicted this widely held conviction, sustaining the position adopted by the more radical Republicans during the crisis." Others, like historian Gaddis Smith, disagree and assert that a President's "high crimes and misdemeanors" must be essentially

crimes and high ones at that to merit impeachment (see "The American Way of Impeachment," *New York Times Magazine*, May 27, 1973, page 53). In fact, it matters little for the purposes of his book whether Benedict is right about the abstract meaning of impeachment or not, and his claims to constitutional infallibility seem out of place in a history book. What is important is the historical meaning of impeachment in 1868. Fortunately, Benedict does make a case in regard to the common understanding of impeachment in 1868; it rests on these three points:

(1) English legal precedents were of little weight because in England any citizen could be impeached by the legislature; confining impeachment to indictable crimes in England was a protection of individual citizens' liberties from the government. In America, impeachment was applicable only to office holders (and specifically forbidden by the Constitution from use against private citizens) and was meant itself as a protection of the citizens from the government. In England, impeachment was meant to punish crime, and the criminal could be sentenced to death by the House of Lords. In America, impeachment could lead only to removal from office and permanent disqualification from office-holding.

(2) American precedents were few and far between, and they were mixed in import. On the one hand, the House of Representatives "had limited its accusations to indictable crimes in at most one of the five impeachments it had presented to the Senate before 1867." On the other hand, the Senate had decided innocence of the House's charges in two cases because none of the articles of impeachment named an indictable crime. On one occasion, however, the Senate had removed a judge for drunkenness and profanity in the courtroom, rather than for indictable crimes.

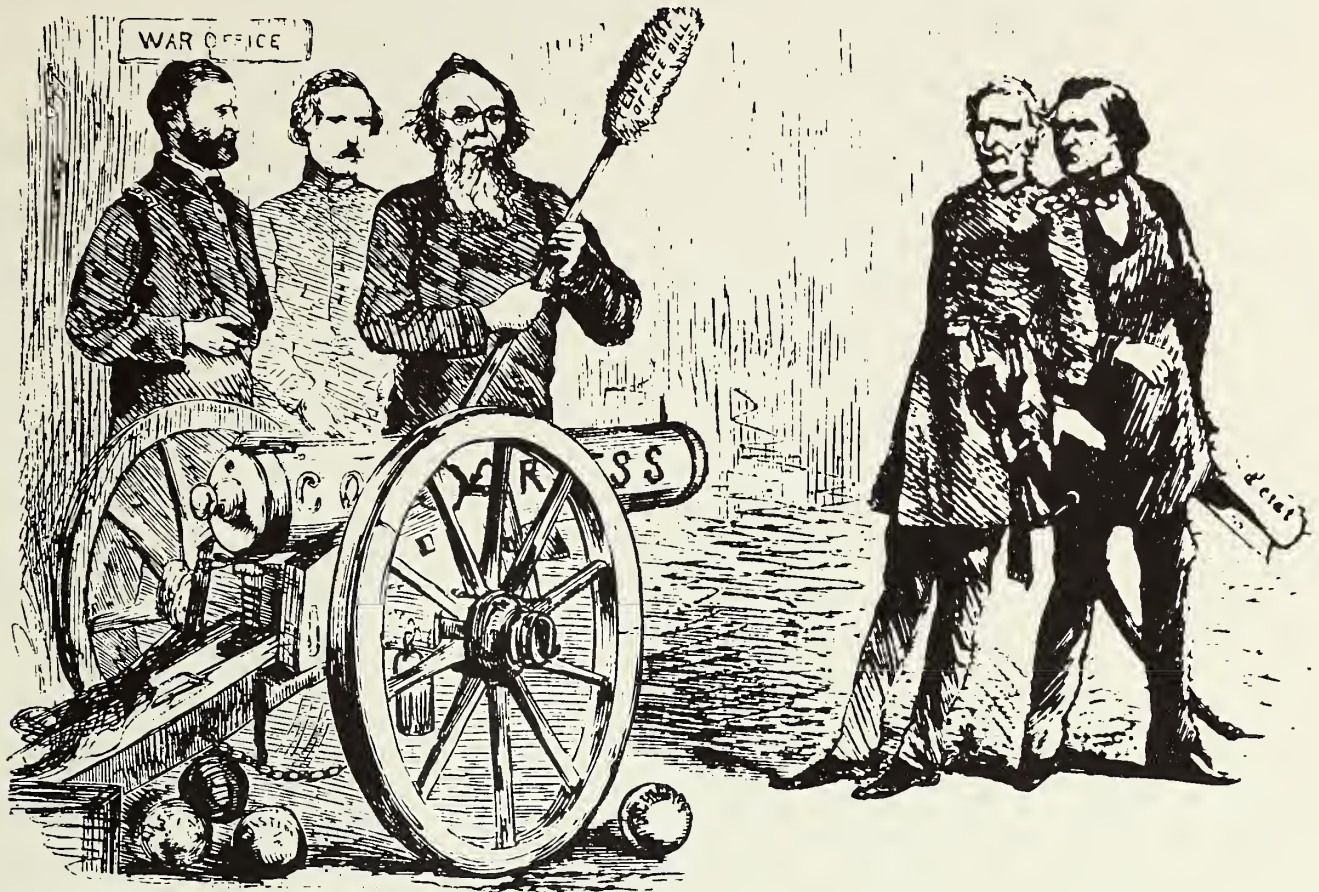
(3) With English experience clearly irrelevant and the relevant American precedents simply unclear in meaning, Americans in 1868 had to rely on the constitutional commentators and theoreticians of the day. Here Benedict points to the key historical factor, "the unanimity with which the great American constitutional commentators had upheld the broad view of the impeachment power." "Story, Duer, Kent, Rawle, and the authors of *The Federalist*," says Benedict, ". . . recognized that the danger to liberty and the efficient workings of government lay not in the possibility that the president or lesser executive officers might act illegally, but rather that they might abuse the powers the Constitution had delegated to them."

The latter point is crucial. If it was conventional legal and constitutional wisdom to believe presidents impeachable for abuse of powers constitutionally granted, then impeachment for actions short of indictable crimes was not necessarily a radical act. Thus the so-called Radicals of what used to be called "Radical Reconstruction" were not radical at all in constitutional matters. The constitutional wisdom of Kent and Story has been called many things, but never, one imagines, "radical."

Benedict marshals much more evidence to prove that impeachment was, like much of the rest of "Radical Reconstruction," really the result of compromises which pleased Republican moderates (and gained their support) and of intransigent opposition from Andrew Johnson. In many ways, this evidence constitutes the most persuasive part of the book.

Gaddis Smith in the article mentioned above sets the stage for his discussion of the Johnson impeachment episode by saying that the "Radical Republicans . . . gained full control of Congress after the 1866 elections." He implies that everything that followed — including impeachment — was a radical move. In fact, the House's impeachment resolution did not follow a Radical capture of the House in 1866 but rather a sound thrashing of the Radicals in the 1867 elections. The Republican party, on record as favoring impartial suffrage and on the ballot in three Northern states with proposals to eliminate white-only constitutional restrictions on the franchise, lost votes in practically every state. The Republican vote in Massachusetts, for example, dropped from 77 per cent (1866) to 58 per cent (1867), and in Maryland from 40 per cent to 25 per cent. The Democrats took California by arguing that Republican policies would lead to enfranchising orientals. They took Ohio's state legislature too, thus blasting the presidential hopes of Ohio's Radical Republican Senator Benjamin F. Wade. For the fence-





*From the Lincoln National Life Foundation*

Two weeks before the cartoon pictured on page one, *Harper's* had drawn a more sinister Johnson carrying plans for a "coup d'état" in his hands. The congressional cannon which Edwin M. Stanton and Ulysses S. Grant aim at Johnson is loaded with cannonballs labeled "constitution." Johnson's attempts to use the patronage to help not the Republican party but a personal following may have caused some Republicans to fear a *coup d'état* by the President.

sitting Republican politician, the message was clear: he had better moderate his policies in the direction of the Democrats. And it was the fence-sitters who counted, for the movement to impeach had been stopped totally by conservative votes in the July, 1867 session of Congress. The impeachment resolution did not pass until February, 1868, when the fence-sitters joined the Radicals because Johnson had openly violated a law, the Tenure of Office Act.

That the key voters awaited Johnson's overt violation of a law is, to be sure, further proof of Republican moderation on impeachment. Yet it is not a little disruptive of Benedict's argument concerning the mid-century legal understanding of impeachment that so many Republican congressmen — who surely must have gained their legal understanding from the same constitutional commentators the others read — awaited an indictable crime. Benedict chooses not to wrestle with this anomaly, but it could be resolved easily if Benedict confined his argument to proving that impeachment was a moderate move rather than that it was also legitimate or right one. The impeachment resolutions themselves were clearly the result of a compromise and not of a radical *coup*, for they cited both indictable crime and vaguer political abuses.

Gaddis Smith cites Benedict's study of Johnson's presidential actions as though it were new evidence of illegal and therefore impeachable acts, but for Benedict it is important only to set the scene for impeachment. He is not trying to find other illegal things for which Johnson could have been indicted, because he does not believe he needs to. Impeachment, he feels, was widely understood as a remedy for abuse of constitutional powers the President did have. All Benedict wants to show is that impeachment was a part of Reconstruction politics and not an embarrassing sideshow or a separate factional power play.

In delineating the Reconstruction context of impeachment, Benedict is again very effective. Largely through his unqualified right to pardon and through his natural powers to enforce the laws of Congress as he chose, President Johnson almost single-handedly dismantled Congress's Reconstruction program. He ignored the Test Oath Act and appointed former Confederates as provisional governors in several states. Treasury Secretary Hugh McCulloch (a hold-over Lincoln appointee) ignored the law also by appointing men who could not take the loyalty oath to Treasury jobs in the South (Reconstruction, as it had been initiated by President Lincoln in Tennessee, Arkansas, and Louisiana had been built around provisional governors and federal appointees who had always been loyal to the Union). Attorney General James Speed (another Lincoln hold-over) halted proceedings to sell confiscated lands in Florida and Virginia despite the intent of Congress's Confiscation Act. Despite the Freedmen's Bureau Bill establishing Freedmen's Bureau Courts (which were a form of military commission), Johnson proclaimed an end to trials by military commission where civil courts were in operation. The difference, of course, was that the civil courts were local and Southern; the military courts were federal and Northern. A freedman could anticipate very different treatment in the one rather than the other. This is Benedict's conclusion: "... within a year of Andrew Johnson's elevation to the presidency, the preliminary Reconstruction program enacted by Congress lay in utter ruin. In pursuing his own policy, Johnson had destroyed it, without violating a law, using only his constitutional powers as president of the United States." Such obstruction brought confrontation.

Benedict is also very effective in reminding us of what we should have suspected but nonetheless ignored during the long years of executive ascendancy since the New



Deal. It was not necessarily abstract political-scientific views of the nature of the presidency but practical politics that dictated much of the outcome of the impeachment movement. High-minded regard for constitutional checks and balances might have dictated one course for congressmen; practical politics reminded them to think first of who would in fact occupy the office next were Johnson actually removed. Since there was no vice-president, that honor would have fallen to Benjamin Wade, the president *pro tempore* of the Senate. Wade was a friend of a high protective tariff and an enemy of Hugh McCulloch's policy of contracting the currency inflated by Civil War greenback financing. Wade was therefore *persona non grata* to the hard-money, free-trade wing of the Republican party. The prospect of President Wade was as powerful a deterrent to impeachment as the prospect of a weakened presidency. To remember this is to put in proper perspective those history books which see only the votes for conviction as politically motivated.

Moreover, conservative Republicans opposed Wade's succession for party as well as factional reasons. To launch a man of such well-known economic convictions to the leadership of the party would be to split a party made up of former free-trading Democrats and former high-tariff Whigs by focusing on the issues that divided the party rather than the issues (loyalty of returning governments and safety of the freedmen) which united it. Such worries were exacerbated by rumors that Wade would appoint E. B. Ward, a leading opponent of contraction of the currency, as Secretary of the Treasury and Benjamin Butler as Secretary of State. Moreover, other votes to acquit were at least as thoroughly motivated by politics. The Democrats and Johnson conservatives who "would under no circumstances have voted to remove the President and turn the office over to the Republicans" were in fact "more consistently antipathetic to the entire proceeding that even the most hostile Republicans."

Accusing only one side of political motivation (rather than seeking to identify the political content of the beliefs of both those in favor of acquittal and those in favor of conviction) ignores too many stubborn facts. For example, more than half of the House Republicans who voted for impeachment had refused to do so at some time in the past. The impeachment resolution had failed previously before it passed in February, 1868, when the moderates joined the Radicals because Johnson had openly violated a law. Senator Edmunds had voted *against* a resolution declaring that the President had acted contrary to law in removing Secretary of War Stanton from office. But he decided Johnson was guilty, so voted in the end, and said that had Wade not been president *pro tem* of the Senate, moderates like William Pitt Fessenden would have reached the same conclusion. In other words, some men were simply convinced by the lawyers' arguments during the trial, as any juror might be.

In the end Benedict's revisionist point of view brings new relevance to the actual proceedings and arguments at Johnson's trial. Some of these arguments persuaded some men how to vote. Many of the arguments, as Benedict outlines them, were powerful. Was the Senate a court bound by the rules, precedents, and technicalities of the common law, or were the Senators, as Benjamin Butler (one of the managers of the prosecution's case) put it, "a law unto yourselves, bound only by the natural principles of equity and justice . . ."? The common law risked the escape of the guilty in order to protect the rights of the innocent; in the long run the risk was better for society as a whole. Was society as a whole better served by risking the escape of the guilty in impeachment proceedings where the guilty had such great powers they could affect the life of every member of society? Had Johnson violated a law or violated an unconstitutional law which was null? When the prosecutors tried to answer that question, they undermined their own case. To argue about it was to show that the President, right or wrong in his actions, had done something about which there *could* be argument. He had made a mistake, perhaps, but a mistake is not a *criminal* act because it does not show criminal *intent*. Granted a President could not be the sole person to decide whether a law was constitutional and therefore to be enforced

by the executive, was it not the case that the President could disobey a law (in order to bring a case before the Supreme Court) which limited his authority and thus left only the President himself with an interest in challenging it? The questions were complicated, the arguments by the lawyers were of high quality, and there were many more issues than these, questions of fact, questions of admissibility of evidence, and other questions of law. The lawyers did not treat the case as though its outcome was predetermined by political prejudice.

Benedict's analysis of the votes in the Johnson verdict may surprise the reader, but that and many other pleasant surprises await the reader of *The Impeachment and Trial of Andrew Johnson*. It is a good book, it argues persuasively, it is on the whole well written, and its subject is long overdue for study. It is to be regretted, however, that the book lacks a leisurely pace. On page 143, for example, Benedict says: "There were numerous minor elements in the House's case for impeachment, and a complete analysis of them would require a longer monograph than I have undertaken here. Nonetheless, that is a job that needs doing." Then why, I was at first tempted to say, did you not do the job yourself? The answer (in many similar cases at least) is that the inflexible demands for publication for tenure (and publishers' demands on book length) tend to put a premium on the sort of book that takes two or three years to write and research and to make the book that is ten or twelve years in the writing a liability to one's career. To blame Benedict for cutting short the effort would be to blame a victim for the system that victimizes.

A fault which can be traced to the author, however, is a certain lack of balance in the book. I do not mean that his case is too one-sided, for when one is fighting seventy years of American historiography and an orthodoxy of the sort championed by James MacGregor Burns and Richard Neustadt, one need not bend over backwards to present the case for the other side. The other side's case is all we have heard for years; we all know it by heart whether we have read a book on Andrew Johnson or not. The lack of balance to which I refer is the failure to give the proper weight to the more important strands of his own argument. If the "prejudicial view of impeachment" stems from "the mistaken notion that government officials can be impeached only for actual criminal offenses indictable in regular courts," then Benedict's whole effort at revision rests on proof that this is not the case, or rather, that such was not necessarily the belief of everyone in the nineteenth century. Yet when Benedict makes his case on this crucial point, we get the same hurried rush through the evidence.

It is crucial to Benedict's case to prove "the unanimity with which the great American constitutional commentators had upheld the broad view of the impeachment power." Yet his proof consists of a quotation from a constitutional commentator, John Norton Pomeroy, whose book was copyrighted the year of Johnson's impeachment. There is a quote also from William Rawle, but the opinions of Kent and Story are not quoted or even paraphrased; they are merely page numbers in a footnote.

It would have been much more convincing to render a more leisurely treatment of the historic views of the impeachment power even if it had to come at the expense of the several tables and charts of votes that dot the book but do not add immensely to the argument (partly because they are rather poorly placed and lack an easy-to-follow legend to explain their import). In this case, argumentative power was sacrificed to book size and to the fashionableness of modern voting analysis.

I do not mean to intimate, however, that the book is a brief written for the current moment or even a book written because the subject is timely. Such is clearly *not* the case. The scholarly tone and the massive documentation are proof that the book was in the works long before impeachment became a subject for television discussions. If that is not proof enough, then an explanatory blurb on Professor Benedict that appeared in the December, 1972 issue of *Civil War History* is certainly proof, for he is there described already as the author of "a forthcoming volume, *The Impeachment and Trial of Andrew Johnson*." It is a volume worth reading now, to be sure, but it is also a volume that will be read by historians of Reconstruction for years to come.



## The Impeachment of Andrew Johnson: Recent Articles

Michael Les Benedict, the author of the book on the impeachment and trial of Andrew Johnson reviewed in the *Lincoln Lore* for November, 1973, published "A New Look at the Impeachment of Andrew Johnson" in the *Political Science Quarterly* for September, 1973. The article discusses only the impeachment (not the trial) and is written more for the student of law or government interested in the event as a precedent than for the student of Reconstruction history.

Stanley I. Kutler, himself the author of a book on *Judicial Power and Reconstruction Politics* (Chicago: University of Chicago Press, 1968), reviews Benedict's book in the issue of *Reviews in American History* for December, 1973. Kutler uses Benedict's book to counter the argument of Raoul Berger's *Impeachment: The Constitutional Problems* (Cambridge: Harvard University Press, 1973). It is Berger's contention that impeachment should be subject to judicial review. Berger, the lawyer, has more faith in judges than Benedict and Kutler, the historians. Berger's distrust of legislators is based on the old-fashioned view of Andrew Johnson's impeachment as the result of political vindictiveness. Yet Berger's own book argues that impeachment need not be confined to cases of indictable criminal action. He fails to make the logical leap that Benedict did. Reasoning that the legislators did not ignore constitutional re-

straint, Benedict could reevaluate the whole story of Johnson's impeachment.

The Congressional elections of 1866 and 1867 figure prominently in any estimate of Reconstruction politics and Andrew Johnson's presidency. Benedict stressed the election of 1867 in his book. Lawrence N. Powell gives a refreshing look at the "Rejected Republican Incumbents in the 1866 Congressional Nominating Conventions" in the September, 1973 issue of *Civil War History*. Powell shows that traditional election practices such as the rotation of candidates in accordance with their residence in two- or three-county Congressional districts caused many elections to turn on issues other than ones involving national Reconstruction. He thus challenges the assumption that the 1866 election was a radical sweep, even suggesting that in many cases candidates were rejected regardless of their stance on Reconstruction.

Since Richard E. Neustadt's work was mentioned in the historiographical introduction to the *Lincoln Lore* article on Johnson's impeachment, perhaps his most recent work deserves notice. In *The New York Times Magazine* of October 14, 1973, Neustadt reconsiders presidential power in an article entitled "The Constraining of the President."



From the Lincoln National Life Foundation

The Declaration of Independence rejected the rule of a monarch, and Americans ever since have pictured Presidents who seem to exceed their official powers as kings. Thomas Nast drew Andrew Johnson as King Richard III for the *Harper's Weekly* of July 25, 1868. Johnson was made to appear as Shakespeare's despot searching for any horse to ride to power, whether it be a Republican, Democratic, or Conservative horse. The cartoon appeared after the Democratic Convention of 1868 nominated Horatio Seymour to run for the presidency.







# Lincoln Lore

June, 1975

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Number 1648

## F. D. R. and Lincoln: A Democratic President Shapes the Story of a Republican President's Life

"I think it is time for us Democrats to claim Lincoln as one of our own. The Republican Party has certainly repudiated, first and last, everything that he stood for."

So wrote the Democratic Governor of New York, Franklin Delano Roosevelt, on April 3, 1929. In truth, Franklin Roosevelt did not have a profound knowledge of the American past. But he did know the potency of historical figures as symbols. When, as President of the United States, he came to be seen by his enemies as a bearer of unprecedented innovations, he would use these historical symbols to legitimize — to "Americanize," one might say — his policies. Ironically, he tried on such occasions to make the "New" Deal seem like old hat. Historians probably did not literally follow the leads provided by President Roosevelt's fairly numerous references to Lincoln in various political addresses. Nevertheless, Roosevelt put his stamp on the whole intellectual and ideological life of

the age, and there is a sense in which the historical view of Lincoln changed profoundly with the Roosevelt years.

Alfred Haworth Jones has brought this subject to the fore in a recent book entitled *Roosevelt's Image Brokers: Poets, Playwrights, and the Use of the Lincoln Symbol* (Port Washington, New York: Kennikat Press, 1974). One does not have to be in complete or even substantial agreement with the manner of the book's execution to say that Jones is to be commended for a bright idea.

The book has several obvious faults. One suspects that the publishers, perhaps desirous of cashing in on the popularity of *The Selling of the President* and of the generally repellant but fascinating theme of "grooming" a man for the Presidency (as Robert Redford was groomed in *The Candidate*), forced the title on Mr. Jones. As a dissertation, it bore the title, "Roosevelt and Lincoln: The Political Uses of a Literary



United Press International

FIGURE 1. *Roosevelt's Image Brokers* states that a pilgrimage to Abraham Lincoln's birthplace was "an unthinkable gesture for a Democratic executive" before President Franklin D. Roosevelt's visit in the spring of 1936. However, President Woodrow Wilson had visited the Kentucky cabin in 1916, when it was taken over by the National Park Service. President Roosevelt also made regular appearances at the Lincoln Memorial in Washington for Lincoln's birthday. This photograph shows the President, his naval aide Captain Walter B. Woodson, and Mrs. Roosevelt in front of the Lincoln Memorial on February 12, 1938. The photograph was furnished by the Franklin D. Roosevelt Library in Hyde Park and is reprinted by permission of UPI.



Image." Whatever the case, the book is not about Roosevelt's political managers and "image" manipulators, but about Roosevelt himself and, more particularly, about men like Carl Sandburg and Robert Sherwood who admired his politics and who also wrote about Abraham Lincoln.

Had his editors paid more attention to the real subject of Mr. Jones's essays, perhaps they would have urged him to improve upon his theme. A "Lincoln symbol" is a mythical Lincoln; the author should suggest some ways in which it is only a partial truth. Mr. Jones, surprisingly, seems to have almost no interest in the real Abraham Lincoln at all. He never tells us whether Roosevelt, Sandburg, and Sherwood's Lincoln is the real Lincoln, the Lincoln most historians had limned to date, a Lincoln different in some particular and profound ways from Herbert Hoover's Lincoln, or a Lincoln that had not been devised by that Democratic President with a deeper acquaintance with the American past, Woodrow Wilson. Although there is a chapter on "The Lincoln of Sandburg and His Admirers," we learn only that Sandburg's Lincoln was Whitmanesque and what the reviewers said about it. There is almost no attention to the details of Sandburg's portrait itself. As a result, the book sometimes boils down to saying that these men uttered Lincoln's and Roosevelt's names together frequently in the hope that the secure fame of the one would dilute the controversial reputation of the other.

An example of the feeling of vague dissatisfaction Jones's approach imparts will make my meaning clearer. He says that Sandburg's Lincoln was a "reaffirmation of faith in the people," that his character "was rooted in the Heartland," and that therefore Franklin Delano Roosevelt (a Hudson River squire who used cigarette holders, he might have added) invoked Sandburg's Lincoln symbol in order to cuddle up with the common man. It would be much more effective if Jones cared more about Lincoln and pointed out briefly that Sandburg's is not the only Lincoln and in what respects. Did Lincoln's "Heartland" oppose the Mexican War? Albert Beveridge, who wrote at the same time Sandburg did, did not think so. Did all the sons of the middle border marry women who spoke French, claim that they learned grammar at the age of twenty-three only *after* leaving their father and the log cabin behind, and send their sons to Exeter and Harvard? In the 1930's, historians linked the spirit of the frontier West with Jacksonian Democracy; why, then, was Lincoln a Whig for the entire life of that party? It would have been more convincing that this was a symbolic Lincoln if Jones had occasionally mentioned the competing images or Sandburg's "competitors," notably Albert Beveridge. With all its faults, it is a useful book and one that suggests a theme in Lincoln historiography that needs further explanation.

Franklin Delano Roosevelt knew history as a squire knows history, that is, as a smattering learned from a few courses at Harvard and as a collector. His college preparatory school, Endicott Peabody's Groton, aped British ways so slavishly that it taught almost no American history whatever. Young Franklin wanted to go to Annapolis; his primary acquaintance with American history, not surprisingly, came from *Sailor Boys of '61* and *The Boys of 1812*. America's infatuation with naval power was reflected in his teenage Christmas and birthday gifts, Alfred Thayer Mahan's *Influence of Sea Power upon History* and *The Interest of America in Sea Power, Present and Future*. His family prevailed upon him to attend Harvard, where he took four American history courses: a survey to 1783, one from 1783-1865, one from 1865-present, and a course on the West from visiting Professor Frederick Jackson Turner. He attended law school and became a collector of naval Americana, books, manuscripts, pamphlets, and prints.

In the 1920's and in the early years of his Presidency, Roosevelt's touchstone of historical greatness was Thomas Jefferson. Jones explains, against a backdrop of American culture in general, how Lincoln's image became important to the 1930's and to the image of this Democratic admirer of Thomas Jefferson. In the 1920's, most biographies of American historical figures partook of the debunking spirit. Paxton Hibben made Henry Ward Beecher a hypocrite, Edgar Lee Masters re-assassinated Abraham Lincoln, and Van Wyck Brooks said that Mark Twain surrendered his talent to the philistines. In the 1930's, by contrast, Grover Cleveland, John D. Rockefeller,

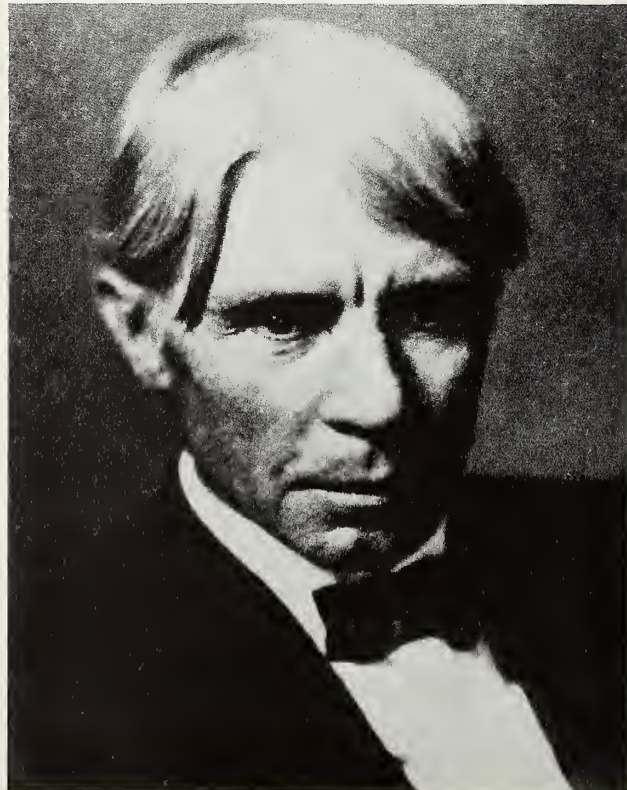
Robert E. Lee, and Benjamin Franklin were among those who now received a favorable treatment at biographers' hands, but the major beneficiaries of the new affection for the American past were Thomas Jefferson, Andrew Jackson, Walt Whitman, and Abraham Lincoln.

Stephen Vincent Benét and Carl Sandburg began the Lincoln revival in the late 1920's. By the late 1930's, they had created a new Lincoln landslide. Robert Sherwood's play, *Abe Lincoln in Illinois*, played 472 times on Broadway and became a successful film in 1940. Sandburg's *War Years* appeared in 1939 to rave reviews by historians and laymen alike.

Roosevelt, according to Jones, ditched Jefferson for Lincoln when Jefferson became the historical darling of the Liberty League and other such conservative organizations which wanted the government to leave them alone. Actually, this is an exaggeration, for the index to the *Public Papers and Addresses of Franklin D. Roosevelt* reveals a roughly equal number of references to Jefferson and Lincoln in every period of the New Deal and World War II. Frequently, Roosevelt said the same thing about Jefferson and Lincoln and in the same speech. Lincoln and Jefferson spent money on the capitol despite critics, Lincoln and Jefferson "packed" the Court, etc.

Nevertheless, it is true that Roosevelt invoked Lincoln's image for two reasons: he saw a parallel between the enormity of the crises of the Depression and of the Civil War, and he sought to identify with the common man. It should also be mentioned that Roosevelt's aides, as George E. Mowry has said, were diligent in producing historical precedents, and scrupulous and reasonably accurate in their quotations and attributions.

Roosevelt utilized Lincoln's image as a symbol of national unity in the face of crisis. In an address at a Jefferson Day Dinner in St. Paul, Minnesota, in 1932, he used Lincoln to urge that Democrats end their rural/urban (frequently, dry/wet) split. Jefferson had preached "the interdependence of town and country," he said, and Lincoln did too in his First Inaugural Address ("physically speaking we cannot separate . . ."). At Gettysburg in 1934, he broadened Lincoln's nationalist appeal by saying that he (along with Washington, Jefferson, Jackson, Theodore Roosevelt, and Wilson) "worked



From the Lincoln National Life Foundation

FIGURE 2. Carl Sandburg



for a consolidated nation." He used Lincoln's image as a champion of the common man in a 1939 address which pictured the Illinois Central Railroad's sometime counsel as almost a practitioner of what we have come to call "legal aid":

Lincoln, too, was a many-sided man. Pioneer of the wilderness, counsel for the underprivileged, soldier in an Indian war, master of the English tongue, rallying point for a torn nation, emancipator — not of slaves alone, but of those of heavy heart everywhere — foe of malice, and teacher of good-will.

He also used Lincoln for some special pleading for the New Deal, as in the Second Fireside Chat of 1934:

The course we have followed fits the American practice of Government, a practice of taking action step by step, of regulating only to meet concrete needs, a practice of courageous recognition of change. I believe with Abraham Lincoln, that "The legitimate object of government, is to do for a community of people, whatever they need to have done, but can not do, *at all*, or can not, *so well* do, for themselves — in their separate, and individual capacities."

Jones credits independent Republican William Allen White with making Lincoln into a figure urging an interventionist foreign policy — mainly by stressing Lincoln's sentiment that things could not exist half slave and half free. Roosevelt adopted the internationalist Lincoln sufficiently to accuse the leader of the isolationists, Charles Lindbergh, of being a Vallandigham; "appeasers" of the Fascists were analogous to Copperheads in Lincoln's day. Sandburg equated the isolationists with the nativist Know-Nothing party and stressed Lincoln's opposition to it; he also criticized "famous ex-flyers" who were really Copperhead Vallandighams.

One always pays an historical price for using a man as a symbol, and Jones's lack of interest in the man causes him to ignore a significant aspect of Roosevelt's Abraham Lincoln. The price that Roosevelt paid was to forget about Lincoln's traditional image as the friend of the Negro and to drain his image of content that was unacceptable to the South. One can see this perfectly in Roosevelt's address to a Jackson Day Dinner in 1938:

He [Lincoln] faced opposition far behind his battle lines from those who thought first and last of their own selfish aims — gold speculators in Wall Street who cheered defeats of their own armies because thereby the price of their gold would rise; army contractors who founded fortunes at the expense of the boys at the front — a minority unwilling to support their people and their government unless the government would leave them free to pursue their private gains.

Lincoln, too, fought for the morals of democracy — and had he lived the south would have been allowed to rehabilitate itself on the basis of those morals instead of being "reconstructed" by martial law and carpetbaggers.

Here is F. D. R.'s Lincoln in a nutshell — the Jefferson-ized Lincoln as champion of the common man against Wall Street coupled with the friend of the South who would have let them alone instead of reconstructing them.

To be sure, Roosevelt was espousing his generation's view of Reconstruction. He had read Claude Bowers's book on Reconstruction, *The Tragic Era*, and it may have shaped his views of Lincoln and Johnson as much as Bowers's books on Jefferson and Jackson had shaped his views of those presidents. Nevertheless, Jonathan Daniels asserts in *Three Presidents and Their Books* that "Roosevelt thought [Bowers's *Tragic Era*] should be specifically useful in bringing back Southern Democrats who had been frightened off to Hoover by Al Smith and the boggy of the Pope." He understood its political usefulness.

Roosevelt depended for support of his legislative programs on certain key Southern legislators who held committee positions of power because of their long tenure in Congress. Walter White, the secretary of the National Association for the Advancement of Colored People, wanted President Roosevelt to back a bill which would make lynching a federal crime. He never got Roosevelt's support, and he had trouble even gaining an audience with the President until Mrs. Roosevelt took up his cause. "I did not choose the tools with which I must work," Roosevelt told White evasively. When White changed his tactics and tried to bypass Congress by getting the execu-

tive department to prosecute lynchers who crossed state lines under the recently and hastily passed Lindbergh anti-kidnaping law, Roosevelt again turned him down. Seen in this light, Roosevelt's Lincoln as symbol of national unity also meant quietism on the race question.

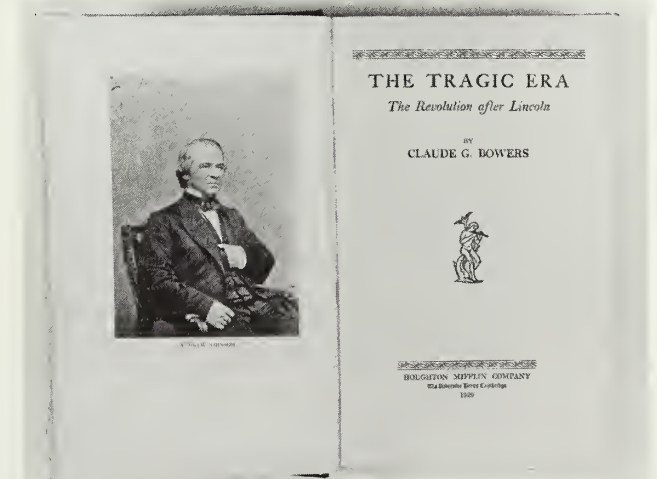
Roosevelt's Lincoln had its effect on the historians' Lincoln, if for no other reason than that so many historians were supporters of the New Deal. The power of this influence can be seen in James Harvey Young's appraisal of the friendship between the two most outstanding writers on Lincoln of their generation, poet Carl Sandburg and academic historian James G. Randall of the University of Illinois:

The Sandburg-Randall friendship is really a beautiful one. Oddly enough, S hasn't done much research from MSS. He is naive on this score, knows it, and profoundly respects R. R equally respects S's style of writing and talking, his human perception. They both agree as to world issues, respect for Lincoln\* and F D R.

A force powerful enough to make friends of the academic historian who lived with manuscript materials and the popular poet who was "naive" about them, was powerful enough to influence the way anyone treated historical events.

James G. Randall might have delivered the same batch of lectures on "Lincoln and the South" at Louisiana State University in 1945 had Franklin Roosevelt never lived, but a parallel is worth noting. Randall's contention was that Lincoln's plan of reconstruction was generous and that the cruel Republican plan instrumented after his death betrayed Lincoln's ideals. He tried to prove his point by arguing that Lincoln's friends who lived on after his assassination opposed Reconstruction and, for the most part, eventually left the Republican party for the Democratic party. "One does not need to belabor the point that the postwar Republican party was no longer a Lincoln party," said Randall. "The fact is well known." On this point he agreed with Franklin Roosevelt's Southern strategy. In fact, Roosevelt had said in 1939, "Does anyone maintain that the Republican Party from 1868 to 1938 (with the possible exception of a few years under Theodore Roosevelt) was the party of Abraham Lincoln? To claim that is . . . absurd."

The result of such a view was a sort of liberal Democratic myth of American history. It celebrated Thomas Jefferson and Andrew Jackson as the champions of the common man, ignored the Democratic party later (especially during the Civil War, when it was doing anything but championing the common black man), focused on Abraham Lincoln and his factional enemies in the Republican party during the Civil War (rather than their common enemies, the Democrats), and then very quickly pictured the Republican party as the party of big business, the rich, and the conservatives once Lincoln was gone from the scene. Randall was the most eloquent forger of this myth in the Lincoln field. "If one looks for the complete



From the Lincoln National Life Foundation

FIGURE 3. Reconstruction for Roosevelt.



opposite of Lincoln's policy and program," Randall urged in the "Lincoln and the South" lectures, "he finds it not among the Democrats, but among the Jacobins [the radical faction in the Republican party]."

Another example of the workings of the myth can be found in Arthur Schlesinger, Junior's influential Pulitzer Prize-winning book, *The Age of Jackson*, written in 1945. An admirer of the New Deal, to say the least, Schlesinger would go on to write a famous multi-volume history of Franklin Roosevelt's administration. In the *Age of Jackson*, he helped map out the Democratic myth. "Whatever remained of the live Jacksonian tradition had in the main, by 1858, entered the Republican party," wrote the youthful Harvard historian, probably only unconsciously echoing President Roosevelt's willingness to sweep the post-Jackson Democrats under the rug. "Does anyone maintain," Roosevelt had said in 1939, "that the Democratic Party from 1840 to 1876 was by any wild stretch of the imagination the party of Thomas Jefferson or of Andrew Jackson? To claim that is absurd." And in another passage, Schlesinger came very close to Roosevelt's periodization: "The fact was that by the fifties both the old parties had disappeared. The election of 1844, as Gideon Welles observed many years later, was 'the final struggle between the two opposing elements known as democrats and whigs' which had sprung into life over the great economic questions of the thirties."

In an even more startling passage, Schlesinger suggested probably the strangest Lincoln progenitor in the literature, Democrat Silas Wright of New York, who died in 1847.

The psychological necessities of the day had transmuted Silas Wright into a symbol. It was inevitable that the North create a leader to voice its moral sentiments against

slavery: a man of the people, humble in origin, modest in circumstance, plain in manner, given to hard physical labor himself, digging on a farm in New York (or splitting rails in the shadowed backwoods of Illinois), so that his very life might embody a challenge to the values of the slaveholder. Still the leader could be no extremist, no fanatic, but a man who would give the South every latitude until principle was clearly threatened, and even then would place the Union above everything else; yet whose steady awakening to danger would express the awakening of the free states, and whose stern loyalty to principle would prevent the compromise of conscience. . . . As no other political leader, Silas Wright filled these specifications. . . . His essential conservatism reflected the reluctance of the North to tear away the bonds of peace, but his firmness expressed the profounder reluctance to share the guilt of slavery. . . . The words could apply to another and greater man. Indeed, Silas Wright was a preliminary sketch for Abraham Lincoln.

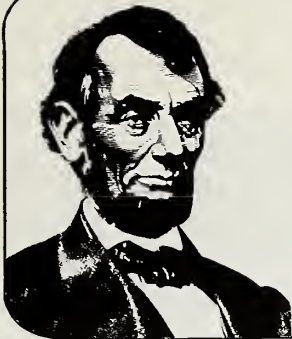
Yet history stubbornly resists myth. More recent historians, probably many of them themselves Democrats in politics, suggest that the Democratic party was founded on the New York-Virginia alliance, that it was thoroughly committed to a conspiracy of silence in regard to slavery, and that the Whig party contained many more volatile elements of moral reform, especially anti-slavery, than the Democrats. Abraham Lincoln's Whig years are no longer considered an embarrassing Neanderthalism, and some historians, notably Cornell's Joel Silbey, are finally studying the party that was swept under the rug even by the Democrats themselves, the Democratic party in the Civil War era. We live with a very different Lincoln today from the one President Franklin Delano Roosevelt gave us.



United Press International

FIGURE 4. President Roosevelt appeared at the Lincoln Memorial in Washington for a Lincoln birthday observance in 1944. With him is Major General Edwin M. Watson. By this time, Roosevelt identified with Lincoln as a wartime President. When he died, Mrs. Roosevelt wrote a newspaper column comparing the deaths of Presidents Lincoln, Wilson, and Roosevelt, all of whom died or suffered from debilitating illnesses near the end of a war before they could complete their humanitarian work. This photograph was provided by the Franklin D. Roosevelt Library in Hyde Park and is reprinted by permission of UPI.





# Lincoln Lore

July, 1976

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Number 1661

## HUGH McCULLOCH AND THE BEARS OF WALL STREET

The United States was financially ill equipped in 1861 to fight a major war. With an estimated national income of \$140 per capita, there were not vast pools of capital to be tapped for quick financing. For most of its life the young government, now threatened with division and extinction after less than eighty years of existence, paid its way by means of tariff duties and revenue from the sale of public lands. These were not dependable sources in time of war. Borrowing was the only way out, but the youthful country had no central bank since Andrew Jackson's Bank War. There were some 1600 different state banks and thousands of kinds of currency, and the government had no official fiscal agent familiar with dealing with bankers for loans.

The war changed all of this. Taxation remained unpopular in a country born of resistance to taxation, and the government relied more heavily on borrowing and printing. It borrowed by means of the sale of interest-bearing govern-

ment bonds marketed by the firm of Jay Cooke and Company. Cooke earned handsome commissions selling the government's forms of indebtedness to bankers, brokers, and men of wealth who recognized them as good short-term, high-interest investments. He also marketed the government's bonds successfully and fueled President Lincoln's war machine with cash.

The government also used the printing press freely. Beginning in February of 1862, it issued about \$450,000,000 in non-interest-bearing United States Notes, which soon came to be called "greenbacks." This government paper money was legal tender for payment of all debts, public and private.

Finally, the government simplified the chaos of banking, created a market for government bonds, and provided a uniform bank-note currency by creating the National Bank system in 1863. Banks were then organized under national charters with specified minimum levels of capital. The Trea-



Courtesy of The New-York Historical Society, New York City

FIGURE 1. William Beard (1824-1900) painted *The Bears of Wall Street Celebrating a Drop in the Market* because he liked to paint wild animals and humorous situations. James Jackson Jarves (1818-1888), the greatest American art critic of Lincoln's day, complimented Beard's "fine wit" and called him "an artist of genuine American stamp."



surey Department's Comptroller of the Currency, who supervised the new system, required the banks to purchase United States bonds and issued national bank notes equalling 90 percent of the value of United States bonds deposited in the United States Treasury by the particular banks.

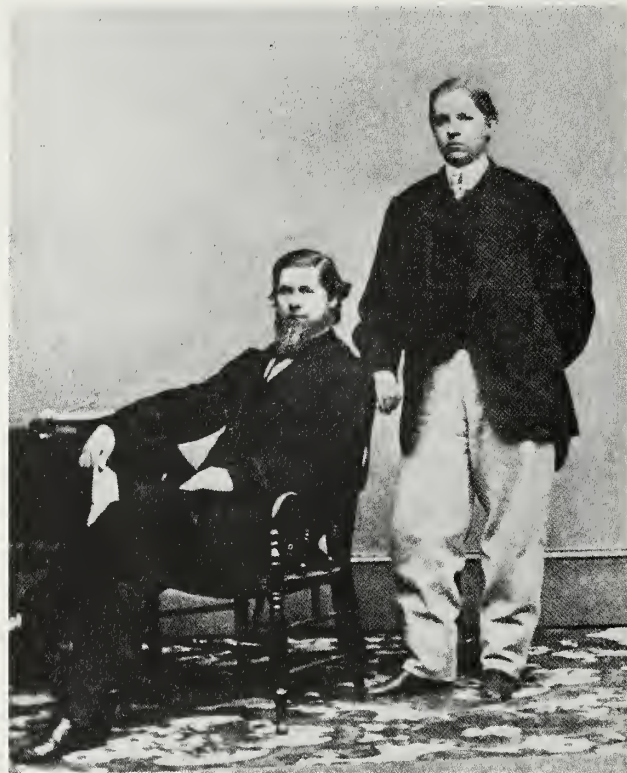
Such was the system of Civil War finance which Hugh McCulloch "inherited" when he became Abraham Lincoln's Secretary of the Treasury in March of 1865. He was not Lincoln's first choice for the office, and the reasons for his selection remain a bit murky. In fact, he was rather surprised himself, as he explained to his friend and former pastor, Charles Beecher, brother of Henry Ward Beecher and Harriet Beecher Stowe, on March 13, 1865:

Odd things do happen;—I fought the Charter of the new Indiana State Bank and in six months was its President. I came to Washington in July 1863 to see that this Bank received no detriment from Mr. Chase's Bank Bill & in three months, I was his Comptroller—I had not the slightest desire to be Secretary of the Treasury and would not have raised a finger to obtain that position, and here I am, with the credit of the nation to no small extent upon my hands.<sup>1</sup>

Most students of the period agree that McCulloch was one of Lincoln's most conservative choices. Most seem to agree with McCulloch's self-appraisal that he was a banker and not a politician. James G. Randall and Richard N. Current say that "McCulloch was a conservative in politics as much as a conservative in finances." McCulloch's disagreements with previous Secretaries' policies were based on conservative financial assumptions. "He thought Chase had erred in consenting that the government paper money should be made a legal tender," wrote Randall and Current, "and he thought Fessenden had erred in attempting to dispense with the services of the middleman Jay Cooke in the sale of government bonds." They maintained that Lincoln did not even agree with his gloomy Secretary:

McCulloch was bearish. He had the dour outlook proverbially associated with a man of his Scotch ancestry. As comptroller of the currency he had issued to the National Banks in December, 1863, a circular embodying his pessimistic views. The states of the North, he then warned, appeared to be prosperous but actually were not, for the war was "constantly draining the country of its laboring and producing population, and diverting its mechanical industry from works of permanent value to the construction of implements of warfare." The "seeming prosperity," he explained, was due primarily to "the large expenditures of the Government and the redundant currency." He advised the bankers to prepare for a depression: "manage the affairs of your respective banks with a perfect consciousness that the apparent prosperity of the country will be proved to be unreal when the war is closed, if not before. . . ." When he received the offer of the treasury position, McCulloch assumed that Lincoln had been motivated by "the impression which was made upon him" by this gloomy circular.

But Lincoln in his message to Congress of December, 1864, expressed an entirely different spirit. Part of the message was a paean to wartime progress and prosperity. "It is of noteworthy interest," the President declared, "that the steady expansion of population, improvement and governmental institutions over the new and unoccupied portions of our country have scarcely been checked, much less impeded or destroyed, by our great civil war, which at first glance would seem to have absorbed almost the entire energies of the nation." Sales of public land soared high, the Pacific railroad was being pushed to completion, new sources of gold and silver and mercury were being opened in the West. The popular vote in the recent election—larger in the free states, despite the non-voting of most of the soldiers, than it had been in 1860—demonstrated an important fact: "that we have *more men now* than we had when the war *began*. . . ."



*From the Lincoln National Life Foundation*

FIGURE 2. Jay Cooke and Jay Cooke, Jr.

Besides: "Material resources are now more complete and abundant than ever."<sup>2</sup>

Robert P. Sharkey was in substantial agreement about McCulloch in his pioneering study of the financial history of the end of the Civil War and Reconstruction. "McCulloch was an extremely conservative banker," said Sharkey. He had "a rigid, conservative, and essentially unimaginative mind." He "could see little merit and much positive evil in the greenbacks. They were controlled by none of the rules of experience and legal restrictions by which a well-secured bank-note currency was made to serve the needs of the business community. Their volume was limited solely by political considerations and the availability of the printing press. In addition, McCulloch felt strongly that the original issue of greenbacks in 1862 had been an unconstitutional exercise of power. This was the orthodox, conservative view of the greenbacks which was shared by a majority of McCulloch's banker colleagues. What it failed to consider was the fact that any tampering with the volume of the greenbacks in the fateful years which followed the end of the war was likely to precipitate a depression. The situation called for the delicacy of a scalpel, but McCulloch brought only the bluntness of a meat axe." Sharkey added that the Indiana banker "along with the majority of his contemporaries who could claim to be well informed on economic matters accepted the idea that the Almighty had ordained the use of gold and silver as money."<sup>3</sup>

A look at the McCulloch manuscripts at the Lilly Library at Indiana University suggests a somewhat different picture of Hugh McCulloch. Instead of a superstitiously conservative, dour pessimist, one can portray a flexible Secretary of the Treasury, ably and patriotically bending his sincere convictions to meet the exigencies of a wartime economy. He tried to forge a middle way between the bears of Wall Street and the bullish inflationists of Pennsylvania and the West.

In the last couple of months of the war, the new Secretary got plenty of bearish advice. Even before he became Secretary, in fact, conservative New York financiers like Morris





*From the Lincoln National Life Foundation*

**FIGURE 3. Hugh McCulloch**

Ketchum complained of the inflationist policies of McCulloch's predecessors in the office. On September 6, 1864, Ketchum wrote Comptroller McCulloch: "I had hoped, and the country expected, that with Mr. Fessenden, every opportunity would be embraced for contraction, and thus crush speculation, and prostrate the exorbitant prices of the necessities of life, from which, there is more danger to the stability of our Government, than from the enemy."<sup>4</sup> Not all the advice was quite so extremist in tone, and more often it resembled the advice of John A. Stewart, U. S. Treasury agent in New York City: "So far as possible, having due regard to the wants of the Treasury, contraction should be the order of the day, and in my judgment it will have an important bearing upon the result of the coming Presidential Election."<sup>5</sup>

McCulloch was obviously inclined to see things their way. Shortly after assuming office, he wrote an old Fort Wayne associate (in a more revealing vein than he customarily wrote self-appointed advisors from New York's financial community): "It will be a difficult thing to reduce the circulation of the country, and at the same time meet promptly the enormous demands upon the Treasury. I hope, however, to be able to do both. . . ."<sup>6</sup> No man can fairly be accused of rigidity who came to Washington to fight a system he wound up implementing (the National Banking system), and McCulloch learned as he went along and was proud of it. Thus he wrote one George A. Cotter of Brooklyn three days before Lincoln was assassinated, "I have been under the necessity of revising a good many opinions which I entertained before the commencement of the war, and expect to be a good deal wiser a year hence by merely watching the course of events than I am at the present time."<sup>7</sup>

And learn he did. The conservative Hoosier banker customarily assured his correspondents that he had no intention of suddenly or severely curtailing the currency. Thus he told Boston's Gamaliel Bradford, a writer on financial and government reform:

I have now only to say, that there is no great danger of an

immediate contraction of the Currency. If I had the power, I should lack the disposition to do violence to the business of the country by a rapid curtailment of our circulating medium. A repeal of the Legal Tender Act [which created the "greenbacks"] would, in my judgment, be much more injudicious and much more disastrous, than the opponents of that measure ever supposed its passage would be.<sup>8</sup>

Financial subjects, and especially money theory, excited a great number of writers and cranks on both sides of the issue, and McCulloch saw himself as somewhat beleagueredly threading his way between the extremes of deflationist bears and inflationist bulls. Thus he complimented one D. W. Bloodgood of New York for a favorable editorial on March 28, 1865:

Your remarks in the "Journal" were timely and judicious. I had before me yesterday two gentlemen of distinguished reputation, as writers upon Finance;—Mr. [Henry C.] Carey, of Philadelphia, and Mr. Hazard, of Rhode Island. The former is of the opinion that the country can only be saved from utter ruin by an increase of Paper Money; the latter argues, that unless the currency be rapidly curtailed, we shall have, in a short period, a financial collapse. My own opinion is, that both are equally in error.<sup>9</sup>

McCulloch dealt with Mr. Carey more than once. This famed champion of high protective tariffs and cheap money (and Pennsylvania's economic interests) received this soothing advice from McCulloch in early April, 1865:

You are, I am satisfied, too apprehensive in regard to the future. The volume of circulation is now large; is being daily increased, and the people have confidence in it. As long as this is the case there can be no crash; and I think, no prostration of important interests.

You pay too much regard to newspaper paragraphs [?]. They are less potent than you suppose them.<sup>10</sup>

He could be just as rough on bears and deflationists. To John A. Stewart of the New York Treasury office he wrote on March 25, 1865, urging him to cooperate with the bullish speculator, Jay Cooke: "I trust that there will be entire harmony of views and action between yourself and Mr. C. He is ardent and sanguine, but I have generally found him safe and judicious."<sup>11</sup> When prospects of peace in late March of 1865 lead to a panic in the gold market and a sudden and rapid decline in the price of gold, McCulloch told Stewart: "Keep cool. The storm is too violent to last long, although I apprehend that the bear interest will for a time be too strong to be successfully resisted."<sup>12</sup> Eventually disgusted himself, McCulloch wrote Jay Cooke on March 29, 1865: "What a mercy it would be to the country if Wall St. could be sunk."<sup>13</sup> These surely were not the words of a simpleminded captive of the Wall Street bears.

Sharkey admitted that McCulloch "was not a bullionist in the sense that he did not feel it wise or necessary to insist on a one-hundred per cent specie backing for bank-notes."<sup>14</sup> Nevertheless, he intimated that McCulloch thought gold and silver divinely appointed as the only real currency. It is true, as McCulloch admitted himself, that he was, "for a banker, a 'hard money man.'"<sup>15</sup> But one should not ignore the important occasion when McCulloch helped the war effort by dashing a bullionist movement. In 1865, the California Supreme Court decided that United States Notes (the "greenbacks") were not to be accepted for payment of state taxes. McCulloch wrote a stinging letter to Thompson Campbell, obviously intended for publication. McCulloch had "very decided opinions upon this subject, and . . . no hesitation in saying, that, . . . California would have been a much richer and more prosperous State, if her circulation had been a mixed, instead of an exclusively metallic one . . ." McCulloch lectured:

No country can prosper for any considerable time, where money commands so high a rate of interest as it does in California, and nothing would tend more directly to reduce that rate of interest than the introduction of a sound paper cir-



culating medium.

Paper money has been found to be a necessity in all commercial countries, and especially in the United States, and what is true elsewhere, must be true in California.

Blessed with great natural resources, California was held back from full economic development and large influx of much-needed population by only one factor, plentiful credit. "California," the Secretary of Treasury added, "needs a well regulated credit system;—she needs a paper circulation to quicken enterprise, and give impetus to business;—she needs a lower rate of interest;—she needs to be cured of the mania for an exclusive metallic currency;—in a word, she needs, in addition to the recognition of United States Notes as a currency, a sound banking system—such as is provided for by the National Currency Act . . ."<sup>16</sup>

In truth, Hugh McCulloch was frequently bullish on America. Although the Lincoln assassination shocked the country, Wall Street recovered quickly from a brief panic. McCulloch wrote John A. Stewart the day after Lincoln died in this reassuring vein:

You will perceive that the new administration is inaugurated, and the wheels of Government are not stopped for a moment. My hope is, and my belief is, that this great National calamity will teach to the world a lesson, which will be of the most beneficial character to our Republican form of Government; that it will show that the assassination of our Chief Magistrate does not affect in the slightest degree the permanence of our institutions, or the regular administration of the laws; that an event that would have shaken any other country to the centre does not even stagger for a moment a Government like ours.<sup>17</sup>

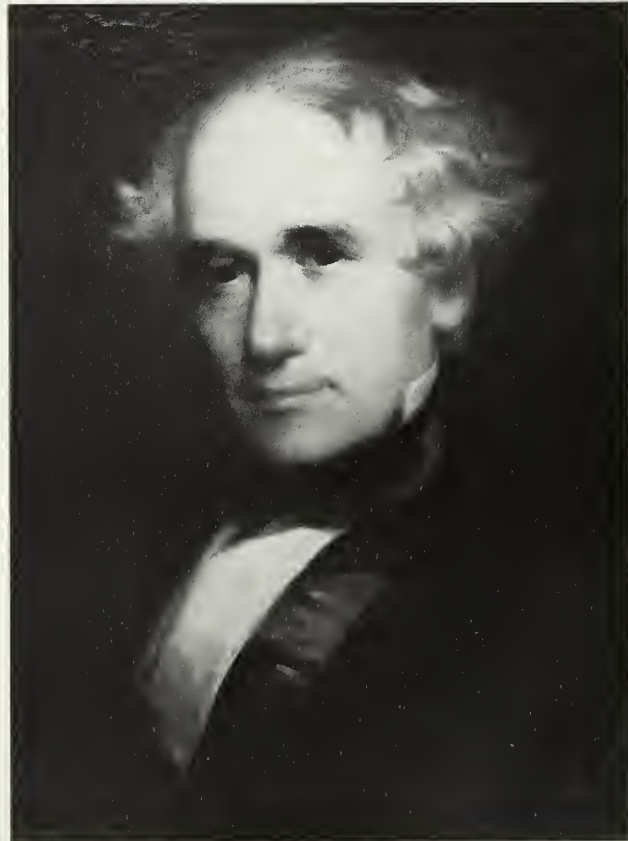
Nor was his thinking always far apart from that of President Lincoln. Five days after Lincoln's death, McCulloch wrote D. W. Bloodgood, apparently responding to some suggestions for solutions to financial problems after the war: "The idea of employing a portion of our soldiers upon the Pacific Road and in the mining Districts is a good one. Labor is high in the loyal States, but there is no lack of it."<sup>18</sup> Speaker of the House Schuyler Colfax, ready to leave for California on April 15, saw President Lincoln the day before. He reported that the President told him: "Don't forget, Colfax, to tell those miners that that is my speech to them, by you." As Colfax remembered it later, Lincoln told him to tell the citizens of California that he had "very large ideas of the mineral wealth of our nation." Mining should be encouraged, for the gold and silver could quickly pay off the war debt. Moreover, Lincoln said that he would answer the fears of those who saw paralyzed industry and vast unemployment in the sudden return of thousands of disbanded soldiers by trying to attract these veterans to California to mine the minerals that would pay the debt.<sup>19</sup>

In these last thoughts, as perhaps in others in the months preceding, President Lincoln and his Secretary of the Treasury, Hugh McCulloch, were not very far apart.

#### Notes

1. Hugh McCulloch to Charles Beecher, March 13, 1865. Copy in Secretary of Treasury letter copybooks, vol. A, pp. 48-49, McCulloch MSS, Lilly Library, Indiana University, Bloomington.
2. James G. Randall and Richard N. Current, *Lincoln the President: Last Full Measure* (New York: Dodd, Mead, 1955), pp. 279, 278, 279-80.
3. Robert P. Sharkey, *Money, Class, and Party: An Economic Study of Civil War and Reconstruction* (Baltimore: Johns Hopkins Press, 1967), pp. 58, 59, 60.
4. Morris Ketchum to Hugh McCulloch, September 6, 1864. Copy in John Aikman Stewart and Henry Herbert Van Dyck letter copybooks, vol. I, p. 24, McCulloch MSS, Lilly Library.
5. John A. Stewart to Hugh McCulloch, September 10, 1864. Copy in *ibid.*, p. 30.

6. Hugh McCulloch to P. Hoagland, March 10, 1865. Copy in Secretary of Treasury copybook, vol. A, p. 12, Lilly Library.
7. Hugh McCulloch to George A. Cotter, April 11, 1865. Copy in *ibid.*, p. 385.
8. Hugh McCulloch to Gamaliel Bradford, March 11, 1865. Copy in *ibid.*, p. 17.
9. Hugh McCulloch to D. W. Bloodgood, March 28, 1865. Copy in *ibid.*, p. 221.
10. Hugh McCulloch to Henry C. Carey, April 1, 1865. Copy in *ibid.*, p. 264.
11. Hugh McCulloch to John A. Stewart, March 25, 1865. Copy in *ibid.*, p. 188.
12. Hugh McCulloch to John A. Stewart, n. d. Copy in Stewart and Van Dyck copybook, vol. I, p. 100.
13. Hugh McCulloch to Jay Cooke, March 29, 1865. Copy in Secretary of Treasury copybook, vol. A, p. 242.
14. Sharkey, *Money, Class, and Party*, p. 58.
15. Hugh McCulloch to P. Hoagland, March 10, 1865. Copy in Secretary of Treasury copybook, vol. A, p. 12, McCulloch MSS, Lilly Library.
16. Hugh McCulloch to Thompson Campbell, n. d. Copy in *ibid.*, pp. 224-226.
17. Hugh McCulloch to John A. Stewart, April 16, 1865. Copy in Stewart and Van Dyck copybook, vol. I, pp. 110-111, McCulloch MSS, Lilly Library.
18. Hugh McCulloch to D. W. Bloodgood, April 20, 1865. Copy in Secretary of Treasury copybook, vol. B, p. 465, McCulloch MSS, Lilly Library.
19. See *Lincoln Lore* No. 331 (August 12, 1935).



From the Historical Society of Pennsylvania, Philadelphia

FIGURE 4. Henry C. Carey (1793-1879) of Philadelphia was America's foremost intellectual opponent of free trade and hard money.





# Lincoln Lore

March, 1977

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Number 1669

## The Contents of Lincoln's Pockets at Ford's Theatre

On February 12, 1976, the Library of Congress revealed the contents of the "mystery box" containing the contents of Abraham Lincoln's pockets the night he was assassinated. The dramatic timing of the announcement — on Lincoln's birthday in the nation's bicentennial year — led to its being widely noted in the press. All over the nation people read that Lincoln had carried a pair of gold-rimmed spectacles engraved by their donor Ward Hill Lamon, another pair of folding spectacles in a silver case, an ivory pocket knife, a fancy watch fob, a large white Irish linen handkerchief with his name embroidered on it in red cross-stitch, an initialed sleeve button, and a brown leather wallet. The wallet proved to con-

tain probably the most startling item, a five-dollar Confederate note, and nine old newspaper clippings. The newspaper clippings were dismissed in the news releases with little comment beyond saying that the President could perhaps be forgiven for the minor vanity of carrying old adulatory news items in his pockets.

None of the accounts of the opening which I read — and I read several because I happened to be travelling across the country at the time and saw several different newspapers — bothered to recount even the titles of the articles from Lincoln's wallet. Curiosity was too much to bear, and I wrote the Library of Congress to find out what the articles said. They



DON'T SWAP HORSES.

JOHN BULL. "Why don't you ride the other Horse a bit? He's the best Animal."

BROTHER JONATHAN. "Well, that may be; but the fact is, OLD ABE is just where I can put my finger on him; and as for the other—though they say he's some when out in the scrub yonder—I never know where to find him."

From the Lincoln National Life Foundation

FIGURE 1. John Bright was of a different mind, but most Americans assumed that most Englishmen, like John Bull in this 1864 cartoon from *Harper's Weekly*, supported McClellan rather than Lincoln in the election of 1864.





From the Lincoln National Life Foundation

**FIGURE 2.** Henry Ward Beecher (1813-1887) was probably the most conspicuous clergyman of his day.

were able to produce photographs of seven of the articles; two are in too poor shape to be taken to the photographer, apparently.

I was glad I wrote when I received the photographs. Contrary to what I had been led to believe by the press coverage, only two of the articles were merely pieces of praise for the President. The other five, though they were not critical, dealt essentially with other subjects. Presumably, we may interpret these articles as indications of some of the problems which engaged the President during the last year of his administration. It would be wrong to place too much emphasis upon them just because Lincoln retained them so long (none of the clippings was from a newspaper printed immediately before the assassination). He was a man of notoriously disorderly habits whose office filing system as a lawyer had consisted of a bundle of legal papers tied together with a note written by Lincoln, "If you can't find it anywhere else look in here." Still, he showed enough initial interest to clip the articles or at least to retain them in his wallet once given them by others.

It is interesting to note the sort of praise which the President valued. Two of the clippings contained nothing but praise, it is true, but the praise came from two quarters where Lincoln had not proven popular in the past. An account of Henry Ward Beecher's address at the Academy of Music in Philadelphia told "how strong a hold the President has upon the popular heart throughout the loyal North." Beecher had written a series of editorials in 1862 which were, from his own recollection, "in the nature of a mowing-machine — they cut at every revolution — and I was told one day that the President had received them and read them through with very serious countenance, and that his only criticism was: 'Is thy servant a dog?' They bore down on him very hard." Things were very different in 1864, and Beecher told his Philadelphia audience that Lincoln's prosecution of the war had been effec-

tive. When an incidental mention of Andrew Jackson seemed to bring forth audience interest, Beecher exploited his opening by saying, "Abraham Lincoln may be a great deal less testy and wilful than Andrew Jackson, but in a long race, I do not know but that he will be equal to him." This was followed by a "storm of applause" which "seemed as if it never would cease." Philadelphia would go for Lincoln in the election of 1864, but Beecher had sensed the campaign strategy which would work in this negrophobic home of General McClellan. The stress would have to be put on Lincoln's Jacksonian qualities as a stern and uncompromising foe of separatism. The election would not be a referendum on the popularity of emancipation and the Republican platform's commitment to the Thirteenth Amendment — if it could be avoided.

A large photograph of John Bright, the British liberal, hung in the anteroom of Lincoln's office in the White House. Doubtless, the President was gratified to read the clipping about "John Bright on the Presidency." In a letter written to Horace Greeley before the election of 1864, Bright observed that "those of my countrymen who have wished well to the rebellion, who have hoped for the break-up of your Union, who have preferred to see a Southern Slave Empire rather than a restored and free Republic, . . . are now in favor of the election of Gen. McClellan." On the other hand, "those who have deplored the calamities which the leaders of secession have brought upon your country, who believe that Slavery weakens your power and tarnishes your good name throughout the world, and who regard the restoration of your Union as a thing to be desired and prayed for by all good men, . . . are heartily longing for the re-election of Mr. Lincoln." Lincoln's election would prove that republican countries could survive "through the most desperate perils."

Lincoln seems to have been taking a keen interest in the state of Confederate morale. Two of the clippings dealt with this subject. Both carried the news that disaffection among the Confederate soldiers was high. "The Disaffection Among the Southern Soldiers" republished a letter from the *Toledo Blade* which had been "picked up in the streets of Brandon, Mississippi, by Captain Dinnis, of the 62nd Ohio Regiment." Dated July 16, 1863, the letter complained of "the vacillating policy and hollow promises" by which the soldiers had been "duped so long." With no provisions prepared along the route of retreat, the army was moving slowly. The Confederates paroled at Vicksburg were deserting. "The negro emancipation policy," the letter continued, "at which we so long hooted, is the most potent lever of our overthrow. It steals upon us unawares, and ere we can do anything the plantations are deserted, families without servants, camps without necessary attendants, women and children in want and misery. In short, the disadvantages to us now arising from the negroes are tenfold greater than have been all the advantages derived from earlier in the war." Certainly, this was welcome vindication of Lincoln's policy of emancipation, which had been justified precisely on the grounds that it would weaken the Southern war effort.

"A Conscript's Epistle to Jeff. Davis" shows the President's interests in rather a different light. This article also purported to reprint a captured Confederate letter, but the letter was much more satirical in tone and surely spoke in part at least to Lincoln's love for rough humor. Addressing the Confederate President as "Jeff, Red Jacket of the Gulf, and Chief of the Six Nations," one Norman Harold of Ashe County, North Carolina, expressed his desire to desert the "adored trinity" of the Confederacy, "cotton, niggers, and chivalry." He denounced Davis in mock-monarchical-reverence as the "Czar of all Chivalry and Khan of Cotton Tartary," as "the illegitimate son of a Kentucky horse-thief," and as the "bastard President of a political abortion." In the end he expressed the "exquisite joy" which the soldiers would express when Davis "shall have reached that eminent meridian whence all progress is perpendicular." Surely Lincoln found in all this exaggerated bombast some gratification that his Confederate counterpart would bear the burden of outrageous vilification that Lincoln himself had on occasion to bear. Here were the same accusations of monarchical pretensions. And here were the same doubts of proper Kentucky paternity. It must have been reassuring to find that this was the token of partisan discontent and not the result of reasoned and careful



research into the biographical backgrounds of Presidents.

Lincoln also carried with him "Sherman's Orders For His March," a straightforward reprinting of the military commander's outline for his campaign. Lincoln must have realized the great importance of these orders, which constituted the beginnings of a new era in military history. General Sherman carefully instructed his army that there would be "no general trains of supplies," but each regiment would have only "one wagon and one ambulance." Each brigade would have behind it "a due proportion of ammunition wagons, provision wagons and ambulances," but the army was obviously going to travel light, for they were to "start habitually at seven a. m., and make about fifteen miles per day." To do this, the general said, the "army will forage liberally on the country during the march. To this end, each brigade commander will organize a good and sufficient foraging party, under the command of one or more discreet officers, who will gather near the route traveled corn or forage of any kind, meat of any kind, vegetables, corn meal, or whatever is needed by the command; aiming at all times to keep in the wagon trains at least ten days provisions for the command and three days forage." Sherman enjoined certain restraints upon his men: "Soldiers must not enter the dwellings of the inhabitants or commit any trespass; during the halt or a camp they may be permitted to gather turnips, potatoes and other vegetables, and drive in stock in front of their camps. To regular foraging parties must be entrusted the gathering of provisions and forage at any distance from the road traveled." Nevertheless, Sherman directly ordered the wholesale destruction of economically useful property in hostile districts:

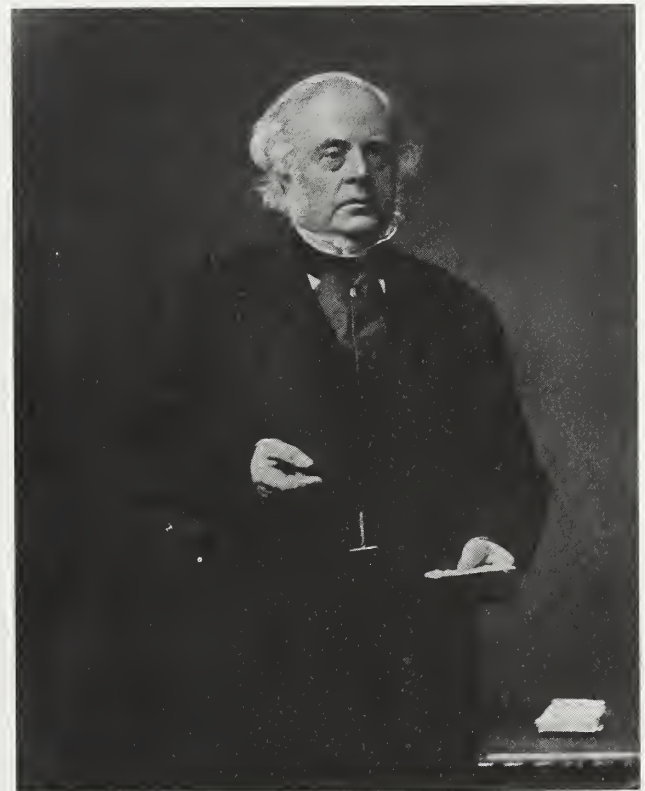
V. To army corps commanders is entrusted the power to destroy mills, houses, cotton gins, &c., and for them this general principle is laid down: In districts and neighborhoods where the army is unmolested, no destruction of such property should be permitted; but should guerillas or bushwhackers molest our march, or should the inhabitants burn bridges, obstruct roads, or otherwise manifest local hostility, then army corps commanders should order and enforce a devastation more or less relentless, according to the measure of such hostility.

Sherman's orders even embodied a political interpretation of the nature of the conflict when they allowed the cavalry and artillery to "appropriate freely and without limit" the horses, mules, and wagons of the inhabitants — "discriminating, however, between the rich, who are usually hostile, and the poor or industrious, usually neutral or friendly." Again, he urged restraint. "In all foraging," he said, "of whatever kind, the parties engaged will refrain from abusive or threatening language, and may when the officer in command thinks proper, give written certificates of the facts, but no receipts; and they will endeavor to leave with each family a reasonable portion for their maintenance." There was no sentimentality in his provisions for coping with live contraband: "Negroes who are able-bodied and can be of service to the several columns, may be taken along; but each army commander will bear in mind that the question of supplies is a very important one, and that his first duty is to see to those who bear arms." Clearly, President Lincoln understood the nature of Sherman's epoch-making campaign well and did more than fret over whether the general would be cut off and surrounded by his bold move.

Even as late as 1864, President Lincoln remained preoccupied with the problems of the Border States and, in particular, of Missouri. Two of the clippings dealt with Missouri. "The Message of the Governor of Missouri" defended Governor Hamilton R. Gamble from charges of "copperheadism or disloyalty." Not only did his message pledge him "to support the Government with all our energies in its endeavors to suppress the rebellion in other States," but he also accepted a recent Ordinance of Emancipation "as a measure that will, in a brief period, accomplish the great object to be attained in making Missouri A FREE STATE." He also encouraged the emigration of free laborers from Europe. "If Governor GAMBLE were a Kentuckian," the newspaper remarked, "we should think him a very sound Union man. We do not know but he would be charged with being an 'Abolitionist.'" This article contained some praise for the President, because it condemned radicals who charged him with deserting the cause of

freedom for not giving in to "demands of the radicals that seemed intolerant and obtrusive." The article concluded: "The charge is unfounded and absurd. Doubtless he would rejoice as heartily as any radical, at the speedy abolition of slavery in Missouri, but he is not disposed to encourage excesses that might damage the good cause itself."

Some of the reasons for the dispute over emancipation policy in Missouri are readily apparent in another clipping from Lincoln's wallet, "Emancipation in Missouri." This article simply printed the Ordinance of Emancipation passed by the Missouri State Convention. Slavery was to end in Missouri on July 4, 1870. On that day all slaves in the state were to be free, "Provided, however, that all persons emancipated by this ordinance shall remain under the control and be subject to their late owners, or their legal representatives, as servants during the following period, to wit: Those over forty years of age, for and during their lives; those under twelve until they arrive at the age of twenty-three; and those of all other ages until the 4th of July, 1876." "Apprenticeship" was the term which was used to describe the nature of the proposed relationship between Missouri's "freedmen" and their "former" masters. However, we sometimes forget how limited a form of freedom apprenticeships can be because we use the term "apprentice" today to mean little more than "understudy." The Missouri Ordinance of Emancipation drew a good deal harsher picture: "The persons, or their legal representatives, who, up to the moment of emancipation, were owners of slaves hereby freed, shall, during the period for which the services of such freedmen are reserved to them, have the same authority and control over the said freedmen for the purpose of receiving the possessions and services of the same that are now held by the masters in respect of his slaves; provided, however, that after the said 4th of July, 1870, no person so held to service shall be sold to non-residents or removed from the state by authority of his late owner or his legal representative." In fact, then, those forty years old and above forever, children until the age of twenty-three, and everyone for at least six



From the Lincoln National Life Foundation

**FIGURE 3.** John Bright (1811-1889) was a British liberal whose letters to Charles Sumner were read to President Lincoln.



years after 1870, would be serfs who could not earn the product of the sweat of their brows and whose only rights were (1) the right not to be sold to non-Missourians and (2) the right not to be removed from Missouri by their masters.

The Ordinance of Emancipation was basically Governor Gamble's plan. It was opposed by more radical Missourians who were called "Charcoals" for obvious reasons. Gamble led the opposing "Claybank" faction, so called because they were supposedly the occupants of colorless middle ground on the hot political question of slavery. Though there were some who were more conservative than Gamble — "Snowflakes," who thought slavery could somehow survive the war in Missouri, and Frank Blair, who still longed for the impossible dream of colonization, Gamble's was the conservative faction in Missouri politics at this time. It was little wonder that radical critics found his emancipation plan less than satisfactory, for it offered freedom to no one in less than twelve years from the date of the Ordinance (1864). Charcoals, though they preferred January 1, 1864 as the date of emancipation, were willing to settle for November 1, 1866. In the end, the political situation changed in Missouri, and slavery was abolished in the state in January of 1865.

Although it is true that none of the clippings was critical of President Lincoln and that all could be construed in some way as praise for him or as testimony to the success of his policies, it seems inadequate to dismiss these interesting clippings as the tokens and badges of a harmless Presidential vanity. The contents of these articles can help to illuminate the preoccupations of the mind of one of America's least confiding Presidents.

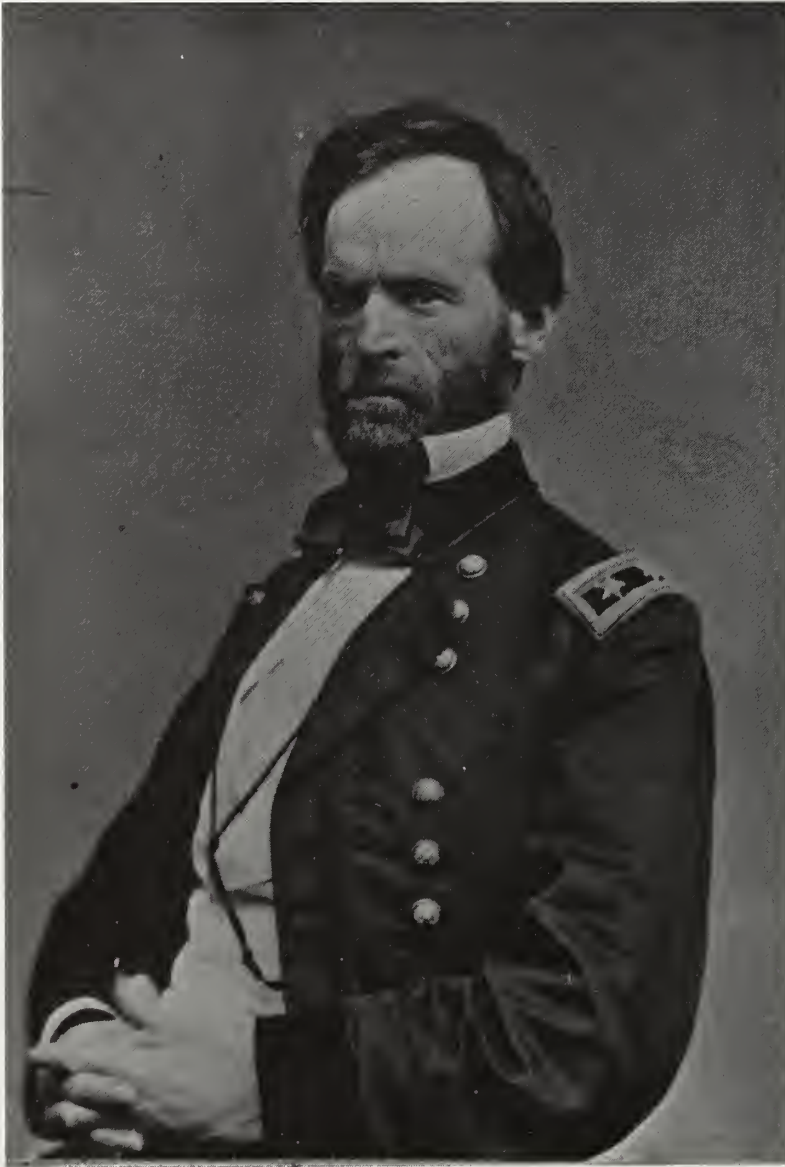
This was a man who especially valued the hard-won praise of his sometime critics. This was a man who realized the value of international opinion and who, despite his provincial background, cared for the opinions of the great world beyond the borders of the United States.

In 1864, as always, Lincoln was a man preoccupied with politics and social questions. These clippings did not contain gems of helpful political philosophy or religious musings. They show the President to have been preoccupied with what historians like James G. Randall, Reinhard Luthin, and David Donald have said he was preoccupied with, the realities of politics

and power — the strength of the Confederacy, the success of his emancipation policy, and the never-ending factional problems of Missouri politics. This was a politician's wallet, and all we can tell of his personality from the nature of the articles is that he liked humor.

It would strain these materials too much to argue with any certainty that they show us the way the President's mind was leaning near the end of his life. Still, we cannot ignore the bearing of these articles on some of the great questions of Lincolniana. When Lincoln discussed gradual emancipation with Confederate representatives at Hampton Roads in February of 1865, did he by any chance have something as leisurely as Missouri's plan in mind? When he allowed himself to think of states of quasi-freedom like apprenticeship as sequels to slavery, was he thinking of anything as restrictive as Missouri's plan of apprenticeship? Was Lincoln's conception of warfare clearly that of Sherman as described with such clarity and force in that General's orders for the march

through Georgia? Was Lincoln not fully cognizant of the extent to which the war-nurtured passions of the North would demand some psychological satisfactions from Jefferson Davis, the "Czar of Chivalry," and the rich Southerners who allegedly led the poor and industrious Southerners into a war they cared nothing about? All of the questions of Reconstruction seem to burn through these pages with an intensity and brightness that makes clear that these questions surely were the major preoccupations of the President in 1864. The atmosphere of the Hampton Roads Peace Conference and of the early period of Reconstruction with their preoccupations with sequels to slavery and the problems of dealing with the former Confederate leaders is already in these worn fragments of newspaper articles which were found in the wallet of a President released at last from turmoil and strife on April 15, 1865.



From the Lincoln National Life Foundation

**FIGURE 4.** General William Tecumseh Sherman (1820-1891) forbade pillaging by his soldiers when he was in command around Memphis in 1862. His decision to march through Georgia late in 1864 in order to attack the South's only untouched base of supply, Georgia, launched him to international fame. By taking the war to the civilian economy rather than simply to the lives of soldiers, he wrenched war out of its eighteenth-century assumptions and pushed it towards the twentieth century.

*Editor's Note:* I wish to thank Mrs. Mary C. Lethbridge, Information Officer of the Library of Congress, for supplying us with photographs of the clippings in Lincoln's wallet.

J. Duane Squires of New London, New Hampshire, has caught two errors in *Lincoln Lore*. In Number 1664, Senator Hale was from New Hampshire not Maine. In Number 1667, Adams was a "Minister" not an "Ambassador," a title not created until 1893.





# Lincoln Lore

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Number 1670

## WITH MALICE TOWARD NONE BEARS LINCOLN NO MALICE

There they were, right on schedule. In beautiful dark-red jackets portraying Lloyd Ostendorf's recently discovered photographic plate of Abraham Lincoln, they were neatly stacked in all good trade book stores and even in some of those not-so-good chains which handle only books which promise, by scholars' standards at least, a very large sale. A year ago, Harper and Row had promised them for Lincoln's birthday, 1977. *With Malice Toward None: The Life of Abraham Lincoln* by Stephen Oates had arrived.

Never was a book better served by its publisher. A year ago, the wire services carried a photograph of Professor Oates accompanied by stories that humble Abe was not so humble after all — that he did not even like to be called "Abe," in fact. He had not liked to talk about his youth and family origins. In his ambitious rise to frontier affluence and professional status, Oates told us, Lincoln did his utmost to forget his roots. The article usually said that Oates had been working on a life of Lincoln for seven years and that it would appear on Lincoln's birthday next year. It so appeared, and so did author Oates on NBC's morning news show for a typically shallow television interview which probed — among other searching questions — why anyone should want to write a biography of Abraham Lincoln after Carl Sandburg's work. Television interviews sell books.

Stephen Oates is a biographer, not a Lincoln man. This much ballyhooed book is clearly meant, nevertheless, to be in that tradition of great one-volume biographies that includes Benjamin P. Thomas's *Abraham Lincoln: A Biography* (New York: Alfred A. Knopf, 1952) and Reinhard H. Luthin's *The Real Abraham Lincoln* (Englewood Cliffs, New Jersey: Prentice Hall, 1960). The difference is that Thomas and Luthin served their apprenticeships within the field of Lincolniana. Thomas wrote *Lincoln's New Salem* (Springfield, Illinois: Abraham Lincoln Association, 1934); *Lincoln [Day-by-Day], 1847-1853* (Springfield: Abraham Lincoln Association, 1936); and *Portrait for Posterity: Lincoln and His Biographers* (New Brunswick, New Jersey: Rutgers University Press, 1947) before tackling his one-volume synthesis, probably the favorite to date among Lincoln aficionados forced to recommend or assign a one-volume biography. Luthin's solid book has always been underrated because it is stodgily written and repetitious (a student of Luthin's told me he had a thick German accent; that linguistic heritage may well account for his prose style). The books that Luthin wrote before *The Real Abraham Lincoln* were substantial contributions which have stood the test of time because they were based on prodigious research. *Lincoln and the Patronage* (New York: Columbia University Press, 1943) and *The First Lincoln Campaign* (Cambridge, Massachusetts: Harvard University Press, 1944), written with co-author Harry J. Carman, are still standard works in the field which merit study.

Oates is a newcomer to the Lincoln field but not, certainly, to history and biography. He wrote a much acclaimed biography of John Brown entitled *To Purge This Land with Blood*, a history of the Nat Turner revolt called *The Fires of Jubilee*,

and six other books.

By my tone to this point I have been trying to suggest the cool — not to say, hostile — attitude with which I approached this book. Let's face it, all things being equal, one would have preferred to see a long-time toiler in the Lincoln field write the update of Thomas and Luthin that so many people knew was needed. One would have liked to see a Lincoln "regular" reap the rewards of Harper and Row's diligent salesmanship. And one would have thought that experience in the field would have helped the quality of the book.

Credit must be given where credit is due, however. Stephen Oates has given us a lively, sensitive, and sensible biography of Lincoln which takes into account the changes in the field which have made Thomas and Luthin seem less than perfect. Moreover, he has attempted that most difficult of tasks, a true biography, a book which seeks to tell us what the man was like not just what roll call analysis suggests his interpretation of constituent will was, not just what his Presidential policies were, and not just the way his intellect described the world. Oates tries to tell us what made Lincoln angry, what depressed him, and what embarrassed him — when he was humble and when he threw his weight around.

This is no easy task when an author deals with a man who had no intimate friends after 1842 (when he and Joshua Speed let their friendship, in Lincoln's own words, "die by degrees"). This is no easy task in the case of a man of whom his campaign manager and circuit-riding friend, David Davis, could say, "He was the most reticent and secretive man I ever saw or expect to see." This is no easy task in the case of a man whose law partner claimed special knowledge of the man and yet also said that he was the most "shut-mouthed" man who ever lived. "He always told only enough of his plans and purposes to induce the belief that he had communicated all," said Leonard Swett of Lincoln, "yet he reserved enough to have communicated nothing." Said Ward Hill Lamon, "He made simplicity and candor a mask of deep feelings carefully concealed, and subtle plans studiously veiled."

Given such formidable obstacles, Oates does well to put as much flesh on Lincoln as he does. He is a sensitive and subtle reader of *The Collected Works of Abraham Lincoln* (New Brunswick, New Jersey: Rutgers University Press, 1953). Take the case of Lincoln's parents and childhood. In the course of saying what he did in the early promotion of the book — that Lincoln forgot his roots as fast as he could — Oates came across as a debunker. Indeed, an editorial he wrote for the *New York Times* on Lincoln's birthday this year, denied Lincoln access to "The Academy of Saints" (see *The New York Times*, February 12, 1977, section C, page 21). This is the part of his publishers' promotional scheme which, in my opinion, went awry. A substantial number of the steady purchasers of Lincoln books are Lincolnphiles who are hostile to debunking. This market does not want to buy a book to hear its hero vilified and abused.

In point of fact, Oates is not a debunker at all. What he says about Lincoln's escape from his frontier past to professional



dignity has been needing to be said for some time. In reconstructing the reputation of Thomas Lincoln, for example, from the accusations that he was a shiftless n'er-do-well, Lincoln scholars have done an important piece of work. This Foundation itself has played a big role in this particular revision of the historical record. Nevertheless, some have carried the revision too far and ignored Abraham Lincoln's obvious — and somewhat painful — expressions of disdain for his rural past. He, not the historians who were wrong about Thomas Lincoln, called his education in Kentucky and Indiana "defective." He, not the historians, termed the schools in Indiana, "schools so-called." He, not the historians, made it clear that he learned respectable grammar only after he had left his father's roof. Lincoln, and not the historians, limited Thomas Lincoln's literary achievements to the feat of learning to sign his own name "bunglingly." To stress the radical separation from his youthful past — to stress the obvious estrangement from his father — is only fitting and proper. It is not debunking iconoclasm, for it is not new, really. Oates maintains this as a theme of at least the first half of his book and treats the scene well when the mature Lincoln is confronted by his rural past at the Republican state convention in Decatur, which gave him Illinois's nomination for the Presidency in 1860:

... more highjinks followed. Lincoln's cousin John Hanks and another fellow marched down the aisle carrying a banner tied between two rotted fence rails. "Abraham Lincoln, the Rail Candidate for President," the banner read. "Two rails from a Lot of 3,000 Made in 1830 by Thos. Hanks and Abe Lincoln — Whose Father was the First Pioneer of Macon County." At that the delegates broke into a thunderous demonstration, stomping and shoving so hard that part of the roof awning collapsed on top of them. When the crowd called for a speech, Lincoln pointed at the banner and said, "I suppose I am expected to reply to that." As much as he detested "Abe" and disliked hickish symbols, he let it all go, remarking that he didn't know whether he'd split those two particular rails or not, but he'd mauled better ones since becoming a man. Again the delegates shouted and whooped and flung their hats in the air. And so the "rail splitter" image was born, the symbol of Lincoln as humble "Abe" of the common people, a homespun hero brimming with prairie wit and folk wisdom — a symbol Lincoln's backers hoped would give him an electric popular appeal.

A near sub-theme of the book concerns Lincoln's bouts with the "hypo." We know these as fits of depression or periods of melancholia, but Lincoln, after his friend and physician Dr. Anson Henry, called it hypochondriasm. His worst period is well known, after the "fatal first of January," 1841, when he broke off his engagement to Mary Todd and when Joshua Speed prepared to return to Kentucky. But, if we are to believe Oates, they reoccurred, though with less severe symptoms, with some frequency:

Even as he grew older, Lincoln continued to suffer from the hypo, from spells of melancholy that troubled his friends and associates. In the midst of conversation, they observed, he would slip away into one of his moody introspections, lost in himself again as he stared absently out the unwashed windows of his office, brooding over untold thoughts and secret storms, until he who viewed each human life as a pawn in the hands of an unknowable God, as a doomed and fleeting moment in a rushing ocean of time, would start muttering the lines of "Mortality." As his colleagues looked on in worried astonishment, his face would become so despondent, his eyes so full of anguish, that it would hurt to look at him.

But abruptly, "like one awakened from sleep," Lincoln would join his visitors again — his mood swings were startling — and joke and quip with them until laughter lit up his cloudy face. For humor was his opiate — a device "to whistle down sadness," as a friend said.

Mary Lincoln, of course, had to deal with the problem too.

Then there were his mood swings, his habit of withdrawing into himself, of being glum and remote when she wanted to talk. She did not understand his hypo any more than his friends did and was irritated by his spells of abstraction.

They might come on at the dinner table, where he would stare off into space, impervious to conversation and Mary's glances. Or he would go off and sit in his rocking chair, immersed in himself as he mulled over some law case or the state of the Union, mulled over the meaning of life and the inevitability of death, his death and that of his wife and children, until he would shake such thoughts away and pull himself back to his house, this room, his playing sons, his anxious wife. Once a spell even came over him while he pulled one of his boys in a wagon. Lost in thought, he tugged the wagon over an uneven plank sidewalk and the child fell off. But Lincoln was oblivious to the fallen boy and went on with his head bent forward, hauling the empty wagon around the neighborhood.

He had an attack when he lost the United States Senate seat to Lyman Trumbull in February, 1855, during the Sumter crisis, upon the resignations of Southern-born officers like Robert E. Lee and John Bankhead Magruder in 1861, after the disastrous defeat at First Bull Run, and after the slaughter of Fredericksburg in December of 1862. The crush of work and the pace of nearly day-to-day crises helped Lincoln avoid prolonged spells of depression during the Civil War because he usually got out of them by throwing himself into his work, and there was more work to do than ever before in his life.

Oates portrays Lincoln — especially as President — as more prone to anger than any sentimentalized portrait of him ever does. Virginia's John Bankhead Magruder came to see Lincoln and "stood right here is his office and 'repeated over and over again' his 'protestations of loyalty,' only to resign his commission and head for the South. It gave Lincoln the hypo. He referred to Lee, Magruder, and all like them as traitors." When Baltimore leaders objected that Union soldiers could not "pollute" Maryland's soil, Lincoln exclaimed, "Our men are not moles and can't dig under the earth; they are not birds, and can't fly through the air. There is no way but to march across, and that they must do." He "bristled," says Oates, when they urged him to make peace with the South:

You express great horror of bloodshed, and yet would not lay a straw in the way of those who are organizing in Virginia and elsewhere to capture this city. The rebels attack Fort Sumter, and your citizens attack troops sent to the defense of the Government, and the lives and property in Washington, and yet you would have me break my oath and surrender the Government without a blow. There is no Washington in that — no Jackson in that — no manhood nor honor in that.

Lincoln "became furious" when he learned that Mary had overspent a Congressional allowance to redecorate the White House: "It can never have my approval. I'll pay it out of my pocket first — it would stink in the nostrils of the American people to have it said the President of the United States had approved a bill over-running the appropriation of \$20,000 for *flub dubs* for this damned old house, when the soldiers cannot have blankets." Though he generally gave military expertise the benefit of the doubt and deferred to the judgments of the generals even when he thought them mistaken, the generals could make him very angry when Lincoln was sure he was right. After General Meade failed to pursue Lee's retreat from Gettysburg, Lincoln was apoplectic. He read Meade's message boasting of driving the invader from Northern soil. "Drive the *invader* from our soil," Lincoln exclaimed. "My God! Is that all?" He told his son Robert, "If I had gone up there, I could have whipped them myself." He thought that "there is bad faith somewhere" in failing to annihilate Lee's "traitor army." Halleck informed the victorious general of the President's "great dissatisfaction."

Lincoln tried to forget feuds, saying, "A man has not time to spend half his life in quarrels." And he disliked violence, as Oates tells us:

As Lincoln told an Indiana senator, the war was the supreme irony of his life: that he who sickened at the sight of blood, who abhorred stridency and physical violence, should be cast in the middle of a great civil war, a tornado of blood and wreckage with consequences beyond prediction for those swept in its winds.

But anyone capable of fighting the Civil War with the ten-



acity and clear-sightedness of Lincoln (he carried a copy of Sherman's famous orders which inaugurated the March to the Sea and the era of Total War in his pocket the night of the assassination) had to have something of Jackson in him, a stern streak. The biography is very properly called "With Malice Toward None," but when Lincoln asked the serenading band to play "Dixie" the night of April 10, 1865, he did so, he said, because "it is our lawful prize." When the Cabinet discussed punishing Confederates, Oates says, "Lincoln made it clear that he wanted 'no bloody work,' no war trials, hangings and firing squads — not even for rebel leaders. But he would like to 'frighten them out of the country,' he said, 'open the gates, let down the bars, scare them off.' He waved his hands as though he were shooing chickens." On that day, he agreed in principle with Stanton's plans for military reconstruction.

Lincoln wielded power when it was necessary, and *threatened* to use it when that seemed necessary too. When he began to angle for the Presidency seriously in 1860, Illinois Senator Lyman Trumbull forgot his debt to Lincoln for throwing him his votes in the 1854 contest for the United States Senate seat and was supporting Supreme Court Judge John McLean, a perpetual contender and now something of an old fossil. Lincoln had been to the Cooper Institute now and knew that he was well enough known to be a serious contender. He began to work hard on support outside the state. One thing he did not need was a disunited Illinois delegation, and "he bluntly advised Trumbull to 'write no letters which can possibly be distorted into opposition, or quasi opposition to me,' because that would cost Trumbull the support of Lincoln's own 'peculiar friends.' Up for re-election as senator that year, Trumbull took the hint and stopped promoting Judge McLean. But frankly he didn't think Lincoln could defeat Seward."

Oates stresses that in the 1850's Lincoln could be counted on to supply precise statements of the moral position of most Republicans and with eloquence. Indeed, it was his oratory and writing ability which made him a national political success. During the Civil War this ability served to keep up his relations with the liberal wing of the Republican party.

Nowhere is the freshness of Oates's approach more easily discerned than in his stress on Lincoln's close working relationship with Massachusetts's liberal Senator Charles Sumner during the Civil War. Their first contacts came naturally as a result of (1) Sumner's being Chairman of the Senate Foreign Relations Committee and (2) the fact that Lincoln had a headstrong and domineering Secretary of State, William H. Seward. Lincoln balanced Seward's belligerence towards Great Britain against Sumner's impulse to pacify and mollify. "You must watch him and overrule him," Sumner warned. In exchange for Sumner's advice on foreign policy, Sumner got access to the President. Their relationship, like most of Lincoln's relationships, had its ups and downs. When Lincoln condemned Secretary of War Simon Cameron for issuing an unauthorized report suggesting emancipating and arming Negroes, Oates says,

abolitionists and Republican liberals openly condemned Lincoln's stand against federal emancipation and exerted all their powers of persuasion to change his mind. Chief among them was Charles Sumner, who visited Lincoln regularly and beseeched him to stop protecting the very institution that had caused the rebellion. One day, as Lincoln sat in the Senate galleries, Sumner gave an impassioned eulogy to Edward Baker . . . Gesticulating dramatically, Sumner described how Baker had died at Ball's Bluff and then — looking straight at Lincoln now — Sumner cried that slavery was "the murderer of our dead Senator [Baker]." A correspondent said that Lincoln started violently at Sumner's remark, quite as though he had been stabbed.

Willing to compromise, Sumner supported Lincoln's plan for gradual and compensated emancipation in Delaware. When it stalled, Lincoln told Sumner that "the only difference between you and me on this subject is a difference of a month or six weeks in time." "Mr. President," Sumner replied, "if that is the only difference between us, I will not say another word to

you about it till the longest time you name has passed by." Despite occasional policy differences, their personal association — and Sumner's friendship with Mary Lincoln — survived right up to the time of Lincoln's death (and after, in the case of Mary).

The very fact that Oates calls Lincoln's critics on the left "liberal Republicans" indicates his principal revision of the war years — gone is the artificial story of tremendous conflict and tension between Lincoln and members of his own party. Lincoln was recognized by Republicans as a liberal Republican, sound on slavery, for his entire career.

A practitioner of biography on a large scale, Oates is also a master of the thumbnail biographical sketch. The book is dotted with delightful little portraits of men who played important parts in Lincoln's life. Again, Charles Sumner provides a nice example, when he first appears on the scene as an advisor to Lincoln on policy toward England:

An arch, sophisticated bachelor with B.A. and law degrees from Harvard, Sumner even looked English, with his tailored coats, checkered trousers, and English gaiters. He was so conscious of manners, he admitted, "that he never allowed himself, even in the privacy of his own chamber, to fall into a position which he would not take in his chair in the Senate. 'Habit,' he said, 'is everything.'" A humorless, high-minded man, he hated slavery and spoke out with great courage against racial injustice to black people. Back in 1856, he'd almost been beaten to death by Congressman Preston Brooks of South Carolina and had gone off to Europe to convalesce. He had rich brown hair streaked with gray, a massive forehead, blue eyes, and a rather sad smile. Mary was terribly impressed with him. And so was Lincoln.

His adversary in foreign policy circles, William Seward, also gets a nice portrait:

. . . now that Seward had given up trying to run the administration, Lincoln liked him as a man and thoroughly enjoyed his company. Sixty years old and slightly stooped, Seward resembled a jocular bird chewing on a Havana cigar. His nose was hooked in a beak, his ears stuck out, his voice was husky, his eyebrows thick and grizzly, and his silver hair always disheveled. He was a celebrated raconteur, loved to pun and banter, often braying so hard at his own wit that it left him hoarse. A chain talker, he entertained guests at his house on Lafayette Square with "A regular Niagara flood" of chatter, gossip, and uninhibited profanity. And how he could entertain, throwing lavish dinner parties that lasted four hours and went through eleven courses, complete with imported wines and brandy. Yet he was a man of many moods — now an effusive storyteller, now a cynic, now a show-off, now a tough and serious administrator. In all, he was a man of immeasurable self-esteem, so certain of his own greatness that he tipped his hat to any stranger who appeared to recognize him.

Befitting the stature of Sumner and Seward and their importance in the Lincoln story, these sketches are longer than most, but they are typical of the attention to character, habit, and appearance in Oates's descriptions of Lincoln's acquaintances.

As these sketches may indicate, Professor Oates writes in a very lively style. Those who fear from Oates's academic credentials that this will be a scholarly tome with Teutonic footnotes are in for a very pleasant surprise. This professor's style happens to be conversational. He uses contractions (he'd, didn't, hadn't, and so forth) regularly. He uses sentence fragments regularly — for example: "Now to get these operations in motion before autumn set in" (page 257). He uses marks of elision to indicate pauses: "McClellan was in bed . . . faking illness, fumed some Republicans, so he wouldn't have to fight" (page 283). He concludes sections with sentences suggestive of ominous and foreboding events. When Lincoln visited the Confederate capital after its fall and less than a week before his assassination, he returned to Washington with a happy party aboard the steamer *River Queen*:

Mary rejoined Lincoln at City Point with a "choice little party" that included Sumner and Lizzie Keckley. They'd come down a few days ago and toured Richmond themselves; and the sight of the rebel capital and transformed



Sumner "into a lad of sixteen." On the journey back to Washington, they had a long discussion about Shakespeare, and Lincoln entertained the group by reading the scene in *Macbeth* where Duncan is assassinated.

*With Malice Toward None* is a book in the Thomas and Luthin tradition, and, of course, Oates has the advantage of being able to use his predecessors' work. His discussion of the executive routine at the White House follows Thomas's chapter on that subject very closely, as well it might, since that is the finest chapter in the last couple hundred pages of *Abraham Lincoln: A Biography*. Here is a sample of how close the two books can be, this time on Lincoln's last cabinet meeting:

the Southern people. Lincoln spoke kindly of Lee and other officers and especially of the enlisted men in the Confederate army who had fought bravely in a cause they held dear. Stanton presented a plan of reconstruction which would have wiped out old state boundaries, but Lincoln did not favor it. He was glad that Congress was not in session, for he hoped to have friendly relations re-established before it met. "There are men in Congress," he observed, "... who possess feelings of hate and vindictiveness in which I do not sympathize and can not participate." He hoped there would be no persecutions, "no bloody work"; enough blood had been shed. No one need expect him to take part in vengeful dealings, even toward the worst of the secessionists. "Frighten them out of the country," he said, "open the gates, let down the bars, scare them off" — he waved his great hands a though shooing sheep out of a lot.

[Oates] On other reconstruction matters, they deferred the question of Negro suffrage, knowing that it would require extended debate. As for punishing the rebels, Lincoln made it clear that he wanted "no bloody work," no war trials, hangings and firing squads — not even for rebel leaders. But he would like to "frighten them out of the country," he said, "open the gates, let down the bars, scare them off." He waved his hands as though he were shooing chickens.

At other times, especially when dealing with the war years, Thomas seems a bit overwhelmed by the crush of events and loses sight of Lincoln as a man. When treating the draft riots of 1863, for example, Thomas's paragraphs get choppy (six on the one page describing the draft law and its social results). He describes Lincoln's dealings with New York's Governor Seymour at the time of the riots this way:

Greeley and other Republican editors reviled Seymour as a Copperhead, but Lincoln treated his opposition as born of honest conviction. He would welcome an opinion from the Supreme Court, he replied to the Governor, but he could not wait for it. He must have soldiers, for the enemy was driving every able-bodied man into the ranks "very much as a butcher drives bullocks into a slaughter-pen." He would give New York all possible credits for enlistments, but the draft must go on.

Lincoln was not responsible for the deficiencies of the draft law; he was obliged to administer it as Congress had framed it. But much of his time had to be spent in explanation and adjustment of various governors' complaints. "My purpose," he wrote to Seymour, "is to be ... just and constitutional; and yet practical, in performing the important duty, with which I am charged, of maintaining the unity, and free principles of our common country." About a month later the draft was quietly resumed in New York City.

So ends this section in Thomas's book. It seems brittle and stiff and legalistic in tone, when compared to Oates's section on the same subject:

What did Lincoln want, Seymour raged, New York City ablaze with riots? The city cut off from the outside world and "given over to a howling mob?"

Of course Lincoln didn't want any more mob outbreaks — it was terrible, he said, for working people to maul and murder other working people as they had in New York City. But he told Seymour he would not suspend the draft, not when the enemy was forcing all available men into his ranks, "very much as a butcher drives bullocks into a slaughter pen," in hopes of attacking again and destroying all the Union had gained at Gettysburg...

In mid September Lincoln prepared a two-fisted defense of the draft, arguing that it was not only Constitutional, but based on sound historical precedent as well. Did not the Founding Fathers resort to conscription in the Revolution and the War of 1812? Are we not now to use what our own Fathers employed? "Are we degenerate? Has the manhood of our race run out?" He was resolutely determined, he informed the Cabinet, to stand behind the draft — and to deal with officials who obstructed it as he'd dealt with Vallandigham: he would banish them all to the Confederacy.

Hay was amazed at how tough Lincoln was becoming. "The Tycoon is in fine whack," Hay said of the President. "He is managing this war, the draft, foreign relations, and planning a reconstruction of the Union, all at once. I never knew with what tyrannous authority he rules the Cabinet, till now. The most important thing he decides & there is no cavil." "He will not be bullied — even by his friends."

The passage from Oates has not lost sight of the man who dealt with the draft problem and, for my money, he is more nearly the sort of man who could win the largest war in American history.

In addition to being able to use Luthin's and Thomas's works, Oates benefits from much research conducted since their time. His book is notably better for being able to use Justin and Linda Levitt Turner's *Mary Todd Lincoln: Her Life and Letters* (New York: Alfred A. Knopf, 1972) and David Donald's biography of Charles Sumner, for example.

It is not without its peculiar weaknesses. Lincoln's ideas are hard to find. Even though he was not a philosopher or in any sense a systematic social thinker, still his world view merits some systematic exploration, analysis, and rendering. It is hard to understand from Oates's book where all the policies came from and how they all fit together at any moment.

Ironically — given Oates's reputation as a debunker — another weakness is that the book is so pro-Lincoln that it sometimes takes Lincoln's view of his enemies uncritically. Oates gives Stephen Douglas very short shrift, and there is nothing like the appreciation of Lincoln's rival one can find in David Potter and Don E. Fehrenbacher's, *The Impending Crisis*, which manages to admire both men by understanding both of them.

It smacks of a twentieth-century academic's secular prejudices to ignore that innermost of subjects, religion, in a book which seeks to reveal the inner man. There is a brief mention of religion early in book, and Oates never mentions it again. This defies the pattern of increasing evidence of religiosity which most scholars have found in Lincoln's life, and it defies the evidence of some of the witnesses on whom Oates commonly relies for other points in Lincoln's life, Mary Todd Lincoln and Noah Brooks, for example.

Finally, of course, one can object that there is little that is new in the book — that is, little that stems from Oates's own research in original sources. Yet this can hardly be a weakness in a book which, despite the media hype for selling it, was surely not meant to come up with anything new on its own. It was meant merely to incorporate all the changes that have taken place in the twenty-five years since Thomas's book appeared. Oates even adopts Thomas's footnote format, which is to have no footnotes but to bunch the references by section, suggesting where all the directly quoted material appears.

Nevertheless, one can achieve something "new" by accumulation of details garnered from others' work. This is what makes a successful and original synthesis. The presentation of a tough and Jacksonian Lincoln in a book which nevertheless admires Lincoln is rather original, I think, and satisfies a demand in the field. It has long been difficult to figure out how a tender-hearted Lincoln ever won that war; Oates explains it and does so without diminishing the size of Lincoln's heart. The book does not achieve the pinnacle of success in synthesis that David Potter and Don Fehrenbacher do in another book published by Harper and Row, *The Impending Crisis*, but that book is a masterpiece. If work in the Lincoln field never dipped below Oates's high standard, the field would be a dazzling one indeed.

Lincoln students should greet Stephen Oates, who is no debunker and who is a capable biographer, with open arms and with no malice at all. He has served us well.





# Lincoln Lore

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## Some Sober Second Thoughts about the New Constitutional History

In the days of Lincoln's Presidency, constitutional issues were paramount, rivalled only by the ultimate question of military success. Some of those same constitutional questions are still live ones in Lincoln literature. Others have been satisfactorily answered. Very few historians hold, for example, that Lincoln had any potential as a dictator, despite the Democrats' wartime assertions to the contrary. No dictator worth his salt would have missed the opportunity the war afforded to postpone the election of 1864. Other questions are very much alive. Whether Lincoln was willing to strain the Constitution only to save the Union but not for the sake of slaves is still a much-debated topic, as are other constitutional questions. Therefore, changing views of the role of the Constitution during the Civil War are of prime concern to all Lincoln students.

Recently, a group of scholars has begun to challenge the way of interpreting constitutional questions that most historians have used over the last forty years. Students of Lincoln are most familiar with the older approach as the one used by J. G. Randall, one of the greatest Lincoln scholars of all time. In discussing "The Rule of Law under Lincoln," Professor Randall urged: "Throughout our history it is necessary to look through the legal arguments of our leaders to the broad social purposes they have sought to attain. Constitutional history, in its ultimate significance thus becomes social history." Randall could use this insight of what was then called "The New History" in its most reductionist sense, as, for example, when he said of Lincoln's era that "Much of the constitutional reasoning of that time was what James Harvey Robinson has called mere 'rationalizing' — 'finding arguments for going on believing as we already do.'" The natural result of such assump-

tions about constitutional debate was to ask how the war shaped the Constitution, that is, how what men wanted to believe in order to win the war altered what they had previously believed in peacetime.

The new constitutional history neatly reverses the assumptions of the old school. This is the way Harold Hyman, one of the major prophets of the new constitutional history, describes the new outlook:

... inquirers have attended almost exclusively to only half the impact question, considering primarily the effects of the Civil War and Reconstruction on the Constitution. The other, largely ignored dimension of this question, perhaps more significant, asks: What were the Constitution's effects on the War and Reconstruction, on the nature of responses to felt wants by nation, state, and local governments, by individuals, by private associations, and by official institutions? If, as I now believe, ascertainable policy alternatives of the 1860's and 1870's were sharply limited as to number, kind, and duration by influential individuals' constitutional perceptions, then insight into those perceptions is in order.

For the quarrels of a century ago not only shaped the Constitution, the Constitution shaped the quarrels.

Professor Hyman's student, Phillip S. Paludan, learned his lessons well, and in his recent book, *A Covenant with Death: The Constitution, Law, and Equality in the Civil War Era*, he apologizes that "There is no profound originality in my conclusion that constitutional ideas and preconceptions limited and perhaps destroyed the possibilities for permanent equal justice which the Civil War and Reconstruction spawned." He completely rejects the assumptions of Randall's era:

... I have had to consider the possibility



From the Louis A. Warren  
Lincoln Library and Museum

**FIGURE 1.** Francis Lieber (1800-1872) was the author of the first systematic works on political institutions published in America. During the Civil War he acted as a consultant for the War Department. He wrote *Guerilla Parties Considered with Reference to the Laws and Usages of War* (1862) and *A Code for the Government of Armies* (1863), which became the official manual of military law for the Civil War armies as *General Orders No. 100*.



that constitutional arguments are simply excuses or rationalizations for not acting to protect the Negro. I have rejected such an idea because it rings too much of the twentieth century, rather than the nineteenth. The rationalization of one era may well be the reality of another. . . . When it is asserted that someone is making excuses or rationalizing, what may be meant is that he is not giving the reason we would give for our behavior. This is hardly the best foundation for beginning historical study.

Starting from Hyman's premises, Paludan is less optimistic about what Hyman calls the adequacy of the Constitution, and he justifies his study on this ground: "The influence of racial attitudes and political necessities on the failure of Reconstruction is a subject of much current study, but the ability of legal and constitutional beliefs to cripple the era's civil rights advances has not been widely investigated."

The new constitutional history is obviously on to something, as the expression goes. It refuses to ignore a great volume of Civil War literature — pamphlets, speeches, platforms — that by other assumptions constitute merely a veil to be pierced in search of true feelings and desires. The new constitutional historians are certainly right to explore the ways in which genuine constitutional scruples shaped the policy alternatives available in the 1860s and 1870s. They have been particularly effective in showing that these scruples kept concerned policy makers from extending the role of the federal government in helping the freedmen during Reconstruction. States rights were not a casualty of the war. However, the new constitutional history is not altogether satisfactory and presents at least three problems that need to be dealt with. First, although it certainly provides a useful insight into the period, the new constitutional history as written thus far has been poorly served by some of its examples. That is to say, some of the particular constitutional thinkers that have been studied in depth seem to prove quite the opposite point from the one the new constitutional history seeks to prove. Second, the new school of thought has been able to state its insight so succinctly that it has the air of definitiveness about it. As a result, there is some feeling that the new constitutional history has exhausted the subject. In fact, its principal service has been to reopen the subject. Third, much of the new school of thought has been aimed at understanding the period of Reconstruction. Much of the new literature does deal with the Civil War but only insofar as it points towards the problems of Reconstruction. This seems to slight some aspects of Civil War constitutional debate. The problem can be explored in more detail by looking at the examples provided by the work of Hyman and Paludan.

The first problem is best exemplified in the work of Phillip Paludan, who explains his historical method this way:

The inquiry poses a problem in method; two options suggest themselves. The first is to read all the available speeches, pamphlets, and books on constitutional and legal topics and to synthesize from them a composite legal mind of the Civil War era. . . . But this method has its pitfalls. It frequently reveals as much about the mind of the historian as about the mind of the era. The process of selection and synthesis offers too many opportunities for culling from a body of thought only those comments that conform to the historian's generalization.

In addition I think this method is insufficiently historical. While it may tell what happened, it does not tell it the way it happened. Certainly the thought of an era exists, but it does not come into being as "the thought of an era." It is created in the minds of individual men who think of themselves, not as having "the mind of their era," but as unique human beings reaching conclusions based on personal experience and dictated by previous conclusions.

These difficulties are most easily avoided by the more modest method used here: to take what appear to be representative thinkers of an era and analyze their thought in relation to their time. The result, of course, is a narrower focus. Conclusions about the nature of thought during the period must be drawn more tentatively. But the method's merit is that it respects the reality of an enormously complex past. It recognizes that the thought of an age is a composite, not a homogenization of the thoughts of individuals. This is a superior method, but to present any kind of convincing proof at all it must find unambiguous examples — unless the point to be proved is the ambiguity of the age.

Ambiguity is not the point of the new constitutional history; it does seek to prove that constitutional views shaped critical events. Unfortunately, Paludan is not always well served by the examples he chooses. In a book which examines five particular thinkers by way of proving that the Constitution shaped the war and Reconstruction, it seems strange that one of the thinkers would be Francis Lieber. Though certainly an influential thinker during the Civil War (he had Charles Sumner's ear, for example), Lieber always thought historically stable institutions much more important than constitutions. Paludan admits the embarrassing fact that "Unlike any of the other subjects of this study, Lieber reacted to the legal questions of the Civil War by rejecting the Constitution as a guide: 'The whole rebellion is beyond the Constitution. The Constitution was not made for such a state of things.'"

Joel Parker, the Harvard Law School professor, presents an equally unsatisfactory case. To be sure, he was constitutionally much more conservative than Francis Lieber, and he argued vehemently for constitutional restraints on the war powers of the President. But, as Paludan points out, after an initial period of support, "Lincoln lost Parker's support after the fall of 1862." Such an observation does not advance our understanding of the importance of constitutional issues in Lincoln's administration. It only repeats one fundamental problem: if the Emancipation Proclamation (announced in the fall of 1862) was going too far but the Presidential suspension of the writ of *habeas corpus* was not, was constitutionalism or hatred of the black man the most important factor?

In the eccentric Philadelphian, Sidney George Fisher, Paludan has an even less fortunate example. Far and away the most innovative constitutional thinker of the Civil War, Fisher had a freewheeling intellect untrammelled by any of the traditional restraints of constitutional logic or tradition. The Civil War led him to advocate congressional abolition of slavery and changing the United States government to a parliamentary system on the British model. Nothing in the United States Constitution shaped these views; the British parliamentary system is what it is precisely because there is no written constitution to limit the legislature's will!

The other two figures in the book wrote principally on Reconstruction; indeed, one of them, Thomas M. Cooley, was only nineteen years old when the Civil War ended.

One could say that Professor Paludan chose the men he studies bravely, for the book devotes four of its eleven chapters to men, Lieber and Fisher, who thought the Constitution either irrelevant to the war effort or totally inadequate to the crisis — indeed, to men who were willing to do away with the Constitution either temporarily or forever. The Constitution did not shape Lieber's and Fisher's war. Joel Parker's constitutionalism carried him only part of the way in support of President Lincoln; he balked at the Emancipation Proclamation. That it was the race question which halted Parker's inclination towards broad construction of the President's constitutional war powers could as easily prove that the war shaped his constitutional views as *vice versa*.

The second major problem with the new constitutional history can best be seen in Harold Hyman's *A More Perfect Union: The Impact of the Civil War and Reconstruction on the Constitution*. A large book in a prestigious series by an acknowledged authority in the particular field of Civil War constitutional history, this book may serve to frighten other students and scholars away from the subject. It should not.

A check of the footnotes does reveal that Professor Hyman did his homework. Excluding the common pamphlets by constitutional giants like Francis Lieber, the footnotes contain citations to at least forty-seven original articles and pamphlets on constitutional questions of the war itself, not counting sources for Reconstruction after the war or other constitutional issues during the period. As impressive as these citations are, they hardly exhaust the field. For example, Jay Monaghan's famous *Lincoln Bibliography, 1839-1939* lists at least fourteen pamphlets on constitutional questions which are not cited in *A More Perfect Union*. By looking at two examples of the rich constitutional literature of President Lincoln's day, one can get a feel for the work that remains to be done despite the splendid spadework of Professor Hyman and his students.

An interesting example of what can still be examined is Charles P. Kirkland's *A Letter to the Hon Benjamin R. Curtis, Late Judge of the Supreme Court of the United States, in Re-*



view of His Recently Published Pamphlet on the "Emancipation Proclamation" of the President (New York: Latimer Bros. & Seymour, Law Stationers, 1862), listed in Monaghan's *Bibliography* as item number 136. Judge Curtis of Massachusetts, though he had dissented from the Dred Scott decision, attacked the Emancipation Proclamation as an abuse of Presidential power. Kirkland, a New York lawyer, replied that the Proclamation would have been an abuse of executive power, which "manifestly and from the whole context of the Constitution, has reference to the civil power of the President . . . in time of peace." But the Proclamation stemmed from other powers "which pertain to him in time of war as 'Commander-in-Chief.'" These powers, he added, "are provided for by the letter and by the spirit of other provisions of the Constitution, by the very nature and necessity of the case, by the first law of nature and of nations, the law of self-preservation."

Kirkland was able to muster two telling points. First, as a good lawyer, he found a previous Supreme Court decision which was embarrassing to Curtis:

The same argument which you make against presidential power was made in *Cross v. Harrison*, 16 Howard, 164, in the Supreme Court of the United States, in a case occurring during, and arising out of, our war with Mexico, in the judgment in which case you, as one of the Justices of that Court, concurred. In that case the President, without any specific provision in the Constitution — without any law of Congress pre-existing or adopted for the occasion, created a civil government in California, established a war tariff, and (by his agents) collected duties. The Court held that . . . "those acts of the President were the exercise of a belligerent right; that they were according to the law of arms and right on the general principles of war and peace." Who will allege, that the acts of the President on that occasion were not, to say the least, as unauthorized by the Constitution and the law as his proclamation in the present case?

Curtis had not denied in his attack on Lincoln that there was a state of war; he had only denied that the powers of the Commander-in-Chief extended to such things as emancipation. Kirkland did find an apparent inconsistency.

Kirkland also found a precedent of sorts. It was not a decided case but the opinion of a former President, John Quincy Adams. In the House of Representatives in 1842, Adams had declared, "that the military authority [in a state of actual war] takes for the time the place of all municipal institutions, slavery among the rest, and that under that state of things, so far from its being true that the States, where slavery exists, have the exclusive management of the subject, not only the President of the United States, but the (subordinate) commander of the army has the power to order the emancipation of the slaves."

Kirkland's pamphlet, with its reference to John Quincy Adams, is significant for two reasons. First, President Lincoln himself read and liked Kirkland's pamphlet. On December 7, 1862, the President wrote Kirkland: "I have just received, and hastily read your published letter to the Hon. Benjamin R. Curtis. Under the circumstances I may not be the most competent judge, but it appears to me to be a paper of great ability, and for the country's sake, more than my own, I thank you for it." Second, David Donald, in his famous essay "Abraham Lincoln: Whig in the White House," argues that Adams's view of emancipation as a war power was an important aspect of Lincoln's Whig background, but he does not cite Kirkland's pamphlet. The closest link Donald can find between Lincoln's views and Adams's argument is Lincoln's endorsement of William Whiting's *War Powers of the President*, which "leaned heavily upon Adams's argument." In Lincoln's endorsement of Kirkland's pamphlet, there is further proof that the Adams connection was an important one for the Emancipator.

Another fascinating example of unexplored constitutional literature is W.W. Handlin's *American Politics, A Moral and Political Work, Treating of the Causes of the Civil War, the Nature of Government, and the Necessity for Reform* (New Orleans: Isaac T. Hinton, 1864). This eccentric work, referred to in Hyman's book in a vague note about "utopian and antiutopian literature," makes Sidney George Fisher's admiration of parliamentary government seem mild by comparison. Handlin despised universal suffrage and the political system built on it. He claimed that the Civil War itself was

caused by political demagogues, originally men with no employment who gained a living by keeping the political cauldron boiling. He wanted to see electioneering "discountenanced," elective terms longer, judges appointed and not elected, and politics in general returned to the hands of the old and respectable rather than the young and idle men. Demagogues so flattered the people that the people came to think of themselves as potentates; they came to distrust government because of the pernicious idea that governors are servants. "It is natural for men to follow leaders," Handlin asserted, and leaders should have authority and respect.

Handlin was Whiggish in his views. He claimed, curiously, that there would have been no war if there had been a national bank. He supported a protective tariff, he supported colonization and the amelioration of the lot of the slave, and he opposed territorial expansion. He was, although Whigs certainly had no special claim to it, a staunch unionist as well. He valued the Union much more highly than the Constitution:

But what is the Constitution? It is the fundamental law of the nation. It is not the nation. The nation may exist without it, as many nations do exist without formal or written constitutions. A part of the Constitution is the oath of the President, by which he undertakes to preserve, perpetuate and defend the nation. Everything which is necessary to that end should be done by him. If a case should arise where it would be necessary to go counter to the Constitution to save the nation, he should not hesitate to do it, because it would be his sworn duty; and it would be stupid to say that the government should be lost merely on account of some defective clause in the organic law.

Handlin was less interested in defending the administration's constitutionally questionable acts than he was in solving the problem which had brought on the war in the first place, demagogic politics. Arguing that the excitement caused by Presidential elections "will always cause war," Handlin urged that the President should be chosen by rotation. He recommended that the oldest Senator should become President for life. There was "nothing here . . . favoring . . . monarchy or empire," he said, and the age of the President would be no problem. Many Senators were "vigorous in intellect up to the moment of death." The men he had in mind were "Webster, Crittenden, Clay . . . , and in the last years of their lives they would have filled the office of President with power and credit." The examples were Whigs to a man, of course, and it should be noted that he failed to mention another of the great old Senators of that by-gone era, John C. Calhoun.

The existence of one more isolated thinker like Handlin whose thought on the Civil War overflowed any constitutional channels, does not challenge the essential insight of the new constitutional history in any major way. However, it does suggest that a too-willing acceptance of their insights will diminish any appreciation for the varieties of responses the Civil War evoked.

War and revolution are surely the events which are most capable of provoking innovative political ideas. In focusing on both the Civil War and Reconstruction — and the new constitutional historians tend to look at the two as one critical period in American history — some historians may be slighting the degree to which war shaped the Constitution. *Inter arma silent leges* is hoary doctrine, though it is not American doctrine, and it seems plausible that constitutional restraint may have been relatively greater in peace (Reconstruction) than in war. By not focusing on constitutional issues during the war exclusively, the new constitutional historians may tend to exaggerate the ability of constitutional ideas to restrain social action. The constitutional issues of the war years alone are surely complex enough for a book on the subject which does not look beyond 1865.

These observations, if they mean anything, are meaningful principally for the future study of this subject. The new work that has been done is good. The thinkers in Paludan's study are thoroughly treated. Hyman's work provides an interesting framework, grounded in a wide reading of the sources, for future investigations. Students of Lincoln's Presidency are indeed lucky to have such refreshing insights brought to their subject, but there is still room for much more work. Scholars should begin to explore the numerous pamphlets on constitutional issues; the new constitutional history has proved that this literature is more than "mere" rhetoric.



Selections approved by a Bibliography Committee consisting of the following members: Dr. Kenneth A. Bernard, Belmont Arms, 51 Belmont St., Apt. C-2, South Easton, Mass.; Arnold Gates, 289 New Hyde Park Rd., Garden City, N.Y.; Carl Haverlin, 8619 Louise Avenue, Northridge, California; James T. Hickey, Illinois State Historical Library, Old State Capitol, Springfield, Illinois; E.B. (Pete) Long, 607 S. 15th St., Laramie, Wyoming; Ralph G. Newman, 18 E. Chestnut St., Chicago, Illinois; Hon. Fred Schwengel, 200 Maryland Avenue, N.E., Washington, D.C.; Dr. Wayne C. Temple, 1121 S 4th Street Court, Springfield, Illinois. New items available for consideration may be sent to the above persons, or the Louis A. Warren Lincoln Library and Museum.

**FIGURE 2. Stephen B. Oates**





# Lincoln Lore

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## PEYTON McCRARY ON LINCOLN'S LOUISIANA EXPERIMENT: A REVIEW

The capture of New Orleans by Commodore David Glasgow Farragut on April 25, 1862 gave the North a pleasing taste of victory and gave the Lincoln administration an opportunity to test the depths of Confederate sentiment in a state of the lower South. To judge from the fact that Federal troops occupied the state for fifteen years thereafter, one would have to say that the sentiment ran very deep indeed. Professor Peyton McCrary's book, *Abraham Lincoln and Reconstruction: The Louisiana Experiment* (Princeton: Princeton University Press, 1978) agrees that the sentiment was strong but argues that the opportunity to use white Southern dissidents and Negroes as a base upon which to build a viable party to revolutionize that sentiment was missed. He lays most of the blame for missing the opportunity on General Nathaniel P. Banks and not on the man who chose him to reconstruct Louisiana, Abraham Lincoln.

Chapter VI is the crucial one for Lincoln students. Reconstructing Louisiana would be no more difficult than "the passage of a dog law in Massachusetts," General Nathaniel P. Banks, military commander of the Department of the Gulf, informed President Lincoln in one of the extreme political understatements of American history. Anxious for speedy action towards reconstruction in occupied Louisiana, disgusted with the slow progress to date, and impressed with Bank's extravagant promises of quick results, Lincoln wrote the general on Christmas Eve, 1863, to make him "master of all" in giving "us a free-state reorganization of Louisiana in the shortest possible time." No longer would jurisdictional disputes between the military governor, George F. Shepley, and the commander of the military district, Banks,

slow the reconstruction process. Lincoln could not have been much impressed, either, with the work of the local radical white movement for reconstruction led by the Free State General Committee. They had been fumbling along with Shepley to organize elections for a constitutional convention in Louisiana, and Banks would presumably be their master

too. However, Lincoln did state carefully that Banks was not "to throw away available work already done for reconstruction," and the Free State Committee had been doing much of that work.

The immediate background of Lincoln's letter to Banks was the visit to Washington of two Louisiana conservatives, Thomas Cottman and James Riddell. These men led a movement opposed to Negro suffrage, and they argued that occupied Louisiana would likely be willing to return to the Union under the provisions of the President's recent Proclamation of Amnesty and Reconstruction (December 8, 1863) and thus recognize emancipation — if "they could come back to civil government under their [existing] constitution and laws." In other words, they feared the movement of the Free State Committee, which was beginning to show itself willing to cooperate with elite Negro groups in Louisiana, to draw up a new state constitution before electing a new government for the state and presenting the state to Congress for readmission to the Union. The old state constitution, of course, restricted voting to whites only. They told Lincoln that Louisiana's citizens would not accept a government reconstructed with Negro votes. The day before Lincoln wrote his letter giving Banks exclusive control of the situation, Riddell wrote the general to tell him that the President would soon send a letter authorizing him to take control.



From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 1. General Nathaniel P. Banks.





From the Louis A. Warren  
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FIGURE 2. Lincoln is depicted as the impossible idealist Don Quixote in this political cartoon by the brilliant Copperhead etcher, Adalbert Johann Volck. Benjamin F. Butler makes an excellent Sancho Panza, ironically rooting Lincoln's idealism in the earthy character of this cockeyed general reputed to have stolen silverware from the mansions of occupied New Orleans (note the knife stuck in his belt). Butler, who incurred Volck's talented wrath when he commanded Federal forces in the cartoonist's beloved Maryland, went on to command Federal forces in occupied New Orleans and to become a favorite target of Volck's savage wit. The artist wrote and illustrated the *Life and Adventures of B. F. B. (Bombastes Furioso Buncombe), The Warrior, Sage and Philanthropist, A Christmas Story in 1862* and reissued it with slight changes in 1868 as *The American Cyclops, The Hero of New Orleans and Spoiler of Silver Spoons*. Butler's sensational actions in New Orleans did much to focus national attention on events in Louisiana. This fine example of Volck's work is a recent acquisition of the Louis A. Warren Lincoln Library and Museum and joins a rare set of his pro-Confederate etchings.

General Banks then lied to Lincoln, or at least neglected to tell him the whole truth. On December 30, 1863, he told the President that his own scheme — which, by design or by coincidence, was like the scheme suggested by Riddell and Cottman — would work faster than that of the Free State Committee. Banks said that the election called for by that Committee could not be held until March; he did not tell him that they were calling for elections on January 25th. McCrary considers this deception important for explaining Lincoln's shift in reconstruction policy for Louisiana.

McCrary points out still another important change in the Louisiana situation. George Denison, a Treasury agent in New Orleans appointed by Salmon P. Chase, had given up his opposition to Banks's policies in the state by the time Lincoln turned the Louisiana operation over to Banks. The general could now count on the cooperation of this powerful Treasury Department presence in the state, but the price of Denison's support — as an intermediary between Denison and Banks, B. Rush Plumly, told Chase — had been a promise by Banks to deliver reconstructed Louisiana's delegates to the Republican Presidential nominating convention in 1864 to Chase rather than President Lincoln. Of all this, of course, Lincoln was profoundly ignorant, as all historians have been since. Denison personally carried Banks's deceptive letter to Lincoln in Washington.

McCrary's is certainly the best account of the origins of reconstruction policy in Louisiana in 1863-1864, but, even so,

its meaning is not as clear as McCrary seems to think it is. To him it seems that Banks had engineered a "coup," altering the radical direction of Louisiana politics under the Free State Committee's leadership and forcing Lincoln to move in a more moderate direction led by General Banks. McCrary attributes the general's motivation to political ambition. An outsider could more quickly organize a few candidates for a state government than he could a hundred delegates for a constitutional convention, and a speedy restoration of the state would be a political achievement helpful to his dark-horse chances for a Presidential nomination in 1864. Moreover, McCrary claims, "Banks' ideological differences with the radicals centered on the question of Negro suffrage, which he feared would antagonize many potential supporters of the free state movement." Lincoln's "motivation . . . in throwing power into the general's hands" is "not entirely clear" to McCrary, but he stresses that "Banks had deceived him about the situation: the President did not know that the radicals were ready to hold an election within a month." On the other hand, McCrary admits, "Lincoln may have shared the general's reluctance to countenance Negro suffrage in Louisiana for fear of antagonizing conservative opinion."

McCrary makes a great advance over the existing literature on the subject, but he somewhat overstates his case. He can prove "deception" — a powerful word in swaying the reader's sentiments — only in the case of the timing of Banks's election as opposed to that called for by the Free State Committee. Yet that deception occurred *after* Lincoln had given control to Banks on the 24th; Banks's letter about election dates was dated the 30th. Otherwise, Banks's campaign to secure control of Louisiana politics had been based on oversanguine predictions and a braggart's inflation of his own abilities, but the election dates provide the crucial case for deception — and they could have nothing to do with Lincoln's decision to make Banks "master of all."

The true origins of Lincoln's shift to Banks in Louisiana lay in the visit of Cottman and Riddell. The latter's letter of December 23, 1863 accurately predicted what Lincoln's letter of December 24, 1863 would do: give the authority to Banks. The Louisiana conservatives had also given the President an earful of arguments proving that Louisiana would never swallow a reconstruction brought about even in part by Negro votes. Nor does it seem fair to call Banks's view that Negro suffrage would block acceptance of any new Louisiana government an "ideological" difference from the Free State Committee. It was a tactical one, a practical one, a question of means rather than of ends. The use of the word "ideological," however, tends to conjure up in the reader's mind a frothing-mouthed ideologue of racial hatred.

There can be no blinking this chronology away, and it is ironic that so gifted a narrative historian would do so. It is especially ironic because McCrary's conclusion stresses the importance of the "precise chronology of events" in December of 1863. To be sure, much of the chronology points to the accuracy of McCrary's conclusions, and it is only fair to quote the fuller chronology here:

A major turning point in wartime reconstruction occurred in December 1863, when General Banks decided to seize control of the reorganization of civil government in Louisiana. . . . The general asked Lincoln to grant him full authority over reconstruction on December 6, before learning of the President's ten-percent proclamation — but after Durant [leader of the Free State Committee] had openly advocated the limited enfranchisement of blacks. Lincoln's proclamation was delivered to Congress, moreover, before he received Banks' request; nothing in the document necessitated the substitution of Banks' new plan for a continuation of the existing program of reorganizing civil government through a constitutional convention. The sole issue involved was Lincoln's impatience with the slow pace of voter registration, which Banks attributed to the incompetence of Shepley and Attorney General Durant. In none of his correspondence with the President did Banks mention the controversial issue of Negro suffrage; nor did Lincoln comment on the question when authorizing the general to take charge of reconstruction, even though representatives of the sugar planters had just told him in his White House office that Durant was already registering the free men of color. The President's instructions to Banks on December 24 did not preclude the adoption of Negro suffrage; in fact, they suggested that the general continue to work with the leaders of the Union Association. It was Banks' idea to throw down



the gauntlet to the New Orleans radicals and offer the full weight of military influence and patronage to the moderate minority within the Union Association.

Making Banks the active source of change in policy from radical to moderate is a bit less convincing than McCrary's interesting proof that Lincoln did not shift to Banks in order to keep Louisiana from falling into the hands of radicals who would support Chase for the Presidency. Ironically, it was Chase's man Denison, who carried Banks's deceptive letter to Lincoln, and Denison's willingness to work with Banks to get Louisiana's delegates for Chase surely discredits the old view of Lincoln's shift in Louisiana as a shift away from Chase. In fact, one of McCrary's most valuable contributions is to show the unity of the Free State movement before Banks took over; Banks's policies created a factional split in 1864.

McCrary's emphasis on the passage in Lincoln's letter to Banks which cautioned him against throwing away existing work towards reconstruction seems very proper. When Denison brought Banks's letter to Lincoln, what a vision of unity in Louisiana Lincoln must have seen!

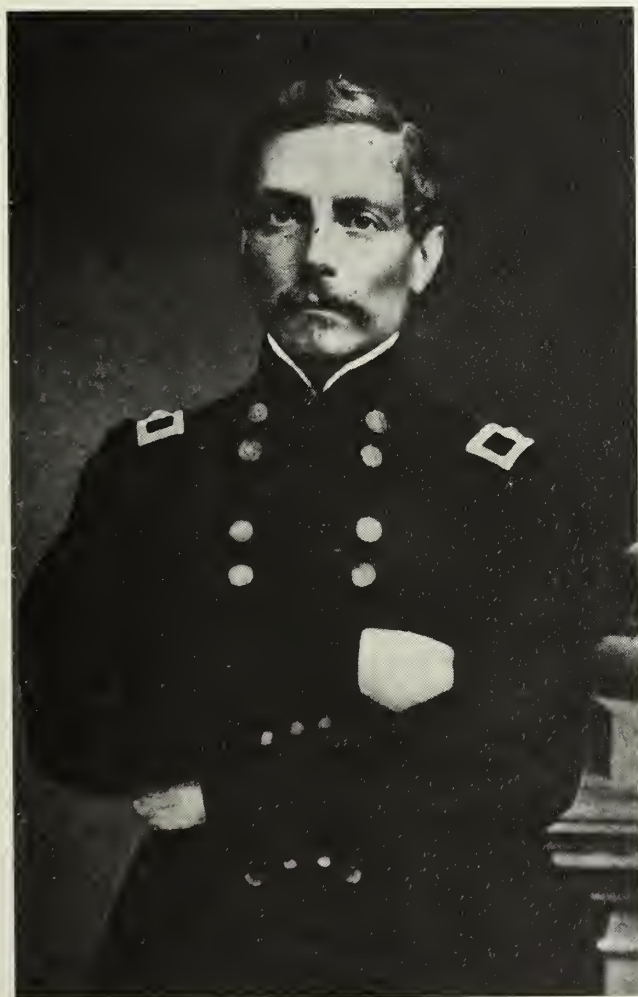
McCrary is at his best in showing that Andrew Johnson, when he assumed the Presidency after Lincoln's assassination, completely reversed the policies of his predecessor. Lincoln had created a moderate regime led by Banks's favorite, Governor Michael Hahn. When Hahn resigned to run for the United States Senate, Madison Wells assumed the office. He very quickly executed a conservative coup, replacing the mayor of New Orleans with a man who in turn replaced most of the local officials with conservatives and returning Confederate veterans. Wells himself appointed former Confederate Major Paul Théard as judge and filled other offices with conservatives, planters, and ex-Confederates. Even General Beauregard was expecting an appointment. Banks returned from Washington as military commander and quick-

ly confronted Wells. The Governor asked President Johnson to give him Banks's powers. Banks halted Wells's removals, replacing the new mayor of New Orleans with a former captain of a Negro regiment. Wells demanded that the President intervene, and on May 17, 1865, Johnson deprived Banks of command. Johnson sustained Wells's reorganization of the state completely. Lincoln may have failed to bring about a revolution in Louisiana politics and society, but Andrew Johnson certainly brought about a counterrevolution against the moderate Banks-Lincoln government. McCrary states it very well: "When Andrew Johnson assumed the presidency in 1865 he pursued a reconstruction policy antithetical to that of his predecessor, if viewed in terms of its impact on the party system rather than in light of superficial constitutional similarities." Of this there can be no doubt.

Lincoln students will also find in McCrary's book the best treatment in print of Lincoln's last speech. Delivered from the torchlit balcony of the White House on the night of April 11, 1865, Lincoln's speech, McCrary says, "made a less favorable impression when delivered than when read in the morning newspaper." The speech dealt "almost exclusively with events in Louisiana." Significantly, Lincoln had asked Senator Charles Sumner, radical critic of his Louisiana policies, to appear with him on the balcony while he gave the speech. Sumner declined, but McCrary notes acutely that Lincoln did not ask Banks to appear, though Banks was in town and had been lobbying for Lincoln's Louisiana government for months. Lincoln defended his commitment to the moderate government of Michael Hahn, "but as bad promises are better broken than kept," he said fairly, "I shall treat this as a bad promise, and break it, whenever I shall be convinced that keeping it is adverse to the public interest." He concluded with those mysterious words which have puzzled and titillated historians for over a hundred years: "... it may be my duty to make some new announcement to the people of the South." McCrary's view is that Lincoln was most likely to announce that he would institute a more radical reconstruction policy.

There are many insights, too, that are tangential to the Lincoln theme. I know no better treatment, for example, of General Benjamin F. Butler's decision to use Negro troops in Louisiana. In the spring and summer of 1862, General Butler was embroiled in a feud with General John W. Phelps over contraband Negroes in occupied Louisiana. Picturing himself in his autobiography as a radical in advance of his times on this question, Butler has recently been attacked as a conservative opponent of Phelps's schemes to arm free Negroes in Louisiana. McCrary shows that Butler was an opportunist and that the real impetus to arm free Negroes in Louisiana came from the administration to a reflective and vacillating General Butler, who was neither radical nor conservative in this instance. Butler acted the part of the good soldier awaiting orders. The "President of the United States alone," he told Phelps, "has the authority to employ Africans in arms as part of the military forces." Without actually praising Phelps's attempts to arm Louisiana Negroes, Lincoln answered complaints from white Louisianans by telling them they could rid themselves of Phelps by making the state loyal to the Union again. Significantly, he entrusted responses to Butler on the question to Salmon Chase, who advocated arming Negroes. On July 31, 1862, Chase told Butler, "I have heard intimations from the President that it may possibly become necessary, ... to convert the heavy black population ... into defenders." Butler had been ambivalent before. He struggled with Phelps because of orders from superiors and not because of personal disapproval of radical policies. His own views were ambivalent but thoughtful. Phelps seemed at times to be stirring up trouble among the blacks. Butler expressed fear of "a negro insurrection," but commented blandly: "... the negroes are getting saucy and troublesome, and who blames them?" Later he would make a similar remark to his wife: "We have danger here of an negro insurrection. I hardly know whether to wish it or fear it most." George Denison told Chase that Butler's opposition to Phelps "was not a matter of principle." Butler simply "wanted the credit of doing it himself, and in his own way."

To focus on sections of the book of most interest to Lincoln students is to give an unbalanced picture of McCrary's work. It is masterful in its sweep. The early chapter on Louisiana before the Union occupation is a model of social and political landscape-painting. He is able to benefit from the statistical tools of the modern political historian, but his extremely skill-



From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 3. General P. G. T. Beauregard.



ful use of printed and manuscript sources — especially his sensitive use of articulate diaries — allows him to render his findings in a most fluent and readable prose. He understands the nature of political parties. Above all, he is steeped in knowledge of Louisiana history.

McCrary's thesis, which stresses the potential for social change in Louisiana offered by the Federal army, is sustained by his finely textured narrative of Louisiana history only in part. Here is his fullest statement of the case:

In terms of political survival, then, "Mr. Lincoln's model of reconstruction" proved a failure. Indeed, as long as President Lincoln stuck to the moderate strategy of party building employed by General Banks, it is difficult to see how it could have been otherwise. The general's assumption that a conciliatory approach would win the support of a majority of the white population contradicted the elemental political arithmetic of Louisiana and defied what might be called the central rule of any civil war: the irreconcilability of insurgents and incumbents. The polarization between left and right that leads to the outbreak of a revolutionary civil war is not "resolved" by the conclusion of armed struggle, except to the degree that the victors are able to force their ideological will upon the losers through the application of governmental power. . . .

The political dynamics of the American Civil War raised almost insurmountable obstacles in the path of the moderate reconstruction policy with which Lincoln was associated. Without suggesting that the revolutionary strategy advocated by men like Wendell Phillips or Charles Sumner would have achieved all their hopes for racial justice and Republican rule in the postwar South, it does seem to be true that the radicals advocated a more practical approach than General Banks.

McCrary is correct in asserting that wartime hatreds could not end with Northern victory in 1865, and he is right, too, to think that civil war permitted revolutionary policies unthinkable to American politicians in peacetime. Emancipation itself was one. Finally, it is true that political arithmetic in the Southern states required either black voting, military occupation, or control by ex-Confederates when the war was over.

Lincoln was a good student of political arithmetic. As G.S. Boritt has shown, when Lincoln followed policies at odds with the numerical facts of life (in advocating colonization, for example), he was not paying close attention to the problem at hand. Lincoln avoided the arithmetic of colonization as a psychological necessity, but his defiance of the arithmetic of loyalty in the South was a function of another problem. "Reconstruction was the crucial question of national politics — at least as a theoretical issue — from the moment the states of the lower South seceded from the Union," McCrary says, and this is probably the cardinal point of the new students of reconstruction policy in the Civil War. However, it is not true. The crucial question was winning the war. Though it is proper to see continuities in the hatreds of the Civil War and Reconstruction periods, the discontinuities in terms of constitutional possibility and central political concern are important as well.

Lincoln was thinking of winning the war. He thought Federal emancipation would help win it, though it was a peacetime impossibility. He thought Louisiana's political defection from the Confederate States of America would help win it too. He was less interested in Banks's policies than in Banks's speed in bringing Louisiana out of the Confederacy and into the Union. Banks thought much the same way. His "ideological" differences from the local radicals were often actually differences in estimates of what would get Louisiana out of the Confederacy fastest. Otherwise, he would not so clearly appear to be an opponent of Madison Wells in 1865. The political arithmetic of peacetime would face the constitutional conservatism of peacetime. The war was a revolutionary situation only for activities clearly related to war-making. That situation ended in 1865.

McCrary calls Banks's reasoning "curious" when the general told Lincoln that Louisiana would accept an emancipation forced on it by Banks but would never actually vote for emancipation if a radical constitutional convention offered a free constitution. "Their self-respect, their *amour propre*, will be appeased if they are not required to vote for or against it," Banks said. Curious this may be, but it is revolutionary logic, and it did recognize the grim political arithmetic of Louisiana's slave society.

It is not a small matter to argue with the thesis of a book, but in this case it by no means threatens the overall worth of the book. McCrary's is the definitive study of Lincoln's Louisiana policy, and it is an enormously informative work. There can be no quarrel with that.

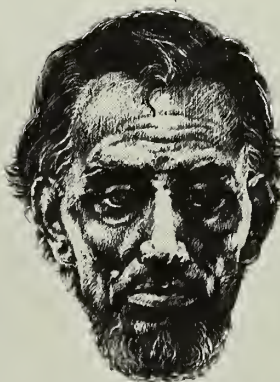
Happily, Princeton University Press served its capable author well. I detected only one typographical error (page 183). The editors allowed a couple of slips here and there: Oliver B. Morton on page 281 should be Oliver P. Morton, and Edwin Bates on page 288 should be Edward Bates. McCrary overuses the verb "demonstrate" and the phrase "on a \_\_\_\_\_ly basis." Otherwise, the writing and printing are immaculate. The footnotes are at the bottom of the page, and the editors allow long ones when necessary. Except for the inexplicable absence of a political map of Louisiana, it is a model of book-making, and McCrary's historical work deserves it.

Beginning with Herman Belz's superb book *Reconstructing the Union: Theory and Policy during the Civil War* (Ithaca: Cornell University Press, 1969), Lincoln students have come increasingly to question the older view that Lincoln would have been "soft" on the South. Most who have done so, however, have been forced to dance around the events in Louisiana, for it is a subject as complex as it is important. Historians need not avoid the subject any more. Peyton McCrary's beautifully written *Abraham Lincoln and Reconstruction: The Louisiana Experiment* is a detailed but eminently understandable narrative of the history of early attempts to reconstruct Louisiana. The subject of the book is really Louisiana and not Abraham Lincoln, but the events are of such importance for the history of the Lincoln administration that no Lincoln library should be without a copy.

## ABRAHAM LINCOLN AND RECONSTRUCTION

### THE LOUISIANA EXPERIMENT

by Peyton McCrary



PRINCETON UNIVERSITY PRESS  
PRINCETON, NEW JERSEY

From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 4. Title page of the book.





# Lincoln Lore

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Mary Jane Hubler, Editorial Assistant. Published each month by the  
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Number 1694

## The Confederacy As A Revolutionary Experience

by John David Smith

Lincoln doubtless faced overwhelming trials as President, but these pale in contrast to those confronted by his Southern rival, Jefferson Davis. Not only did Davis lead a revolution and establish a new nation, but he was called upon to fight a modern, total war, direct foreign policy, and maintain the spirit of Southerners for their cause. Regardless of whatever "natural" advantages the Confederates may have had — the revolutionary zeal of patriots for a new republic, the benefit of fighting a defensive war on native soil, the ability to draw on short interior lines of communication and supply — their opponents held the upper hand in those areas which really counted: men, materiel, industrial capacity, and organization.

What's more, Davis forged the Confederate nation from scratch. After secession he molded eleven sovereign state-republics, preindustrial in outlook and ever sensitive to their individual states' rights, into a confederacy, a federation with a surprisingly strong central government. Lincoln, on the other hand, inherited the reins of a country with years of experience in being a nation, and with all the administrative and industrial machinery to wage war. The early successes of the infant Confederacy were not lost on England's Chancellor of the Exchequer, William Gladstone. Speaking on the Confederacy at Newcastle in October, 1862, Gladstone's remarks were music to Davis's ears. In slightly more than a year and one-half, explained the Englishman, "Jefferson Davis and other leaders of the South have made an army; they are making, it appears, a navy; and they have made what is more than either, they have made a nation."

Although few historians have articulated it in these terms, the central theme of Confederate historiography is, and always has been, Confederate nationalism. Soon after Appomattox, architects of the myth of the "Lost Cause," men like Edward Pollard, Alexander Stephens, and Davis

himself, offered explanations, denunciations, and rationalizations for Confederate defeat. Despite their self-serving chauvinism and partisanship, these early writers raised salient questions about the nature of the Confederate experiment. States' rights, centralization, faulty leadership, economic backwardness, state socialism, foreign recognition, disaffection on the homefront — these and innumerable other elements of Confederate strength and weakness have attracted later generations of trained historians. Writing in 1925, for example, historian Frank Lawrence Owsley charged that the Confederacy died from an overdose of states' rights theory. In reality, though, Owsley and numerous other students of the subject have all along been probing the Confederacy as a national experience.

In his new volume on the Confederacy, *The Confederate Nation, 1861-1865* (New York: Harper & Row, 1979 [*The New American Nation Series*]), Emory M. Thomas focuses squarely on Confederate nationhood. Thomas, a historian at the University of Georgia, is no neophyte to Confederate historiography. His first book, *The Confederate State of Richmond* (1971), is a pioneer work in Confederate urban history, a biography of the South's capital as an embattled city-state. In addition to numerous articles and a textbook on the Civil War, Thomas established his credentials as a historian of the Confederacy in 1971 with the publication of *The Confederacy as a Revolutionary Experience*. This provocative speculative essay argues that the Southland underwent a dual revolution in its transformation from the Old South to the Confederate South. On one level the Confederacy symbolized an external "revolt against Yankee ways and a Yankee Union." But the revolution got out of hand and surpassed the goals of even the most rabid Southern revolutionaries. It ushered in an internal revolution, one which altered substantially the warp and woof of Southern life.



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FIGURE 1. The Great Seal of the Confederate States of America. In their political rhetoric Confederate Southerners honored the Founding Fathers. They perceived themselves as heirs to the revolutionary tradition of Washington and Jefferson. Confederates stressed their devotion to the true principles of American democracy, principles, they argued, which had been distorted under Northern misrule. The Confederate seal was designed by Secretary of State Judah P. Benjamin and was adopted by the Confederate Congress in May, 1863. Significantly, it showed an equestrian portrait of George Washington (after the statue of Washington which surmounts the Capitol Square at Richmond), surrounded by a wreath of the South's agricultural staples — cotton, tobacco, sugar cane, corn, and wheat.



Thomas's latest book draws upon the concept of a dual revolution to explain Confederate nationalism from secession in 1860 and 1861 to submission in 1865. Like many historians of the South before him, Thomas emphasizes Southern distinctiveness, individualism, localism, and conservatism. He interprets secession as a means for Southerners "to define themselves as a people and to act out a national identity." "The essential fact of the Confederate experience," writes Thomas, "was that a sufficient number of white Southern Americans felt more Southern than American or, perhaps more accurately, that they were orthodox Americans and Northerners were apostates. Southern sectionalism became Southern nationalism and underwent trial by war."

One of the great ironies of Southern history is that secession — the region's external revolution — was essentially a conservative act. Southerners severed the Union and precipitated civil war in order to preserve and protect unique Southern institutions from encroachment. Although such root-and-branch radicals as Edmund Ruffin, Robert Barnwell Rhett, and William Lowndes Yancey had fueled the impulse for secession, the fire-eaters lost control of the Montgomery Convention and became mere "ornaments in the Confederate body politic." In their stead emerged moderate tacticians, men like Jefferson Davis and Alexander Stephens. These "sensible secessionists" envisioned themselves as nineteenth-century heirs to the revolutionary tradition of America's Founding Fathers.

The Confederacy's first heroes were George Washington and Thomas Jefferson. Both men were good Southerners, but better yet, great Americans. Confederate Southerners wished not to repudiate their historic ties with the American experience. Rather, they celebrated the American past and decided only reluctantly to leave the Union. Dragging forth Washington and Jefferson as models, Confederate leaders believed that they too were justified in dissolving a Lockean compact by force.

Implicit in Thomas's analysis of the Confederate revolution are themes examined first by historian Bernard Bailyn in his authoritative research into the ideological origins of the American Revolution. Just as the revolutionaries of 1776 claimed that George III's colonial policies had perverted the spirit of the English constitution, the Confederate revolutionaries of 1861 charged that Northerners were destroying the principles of American representative government. The Confederates revolted *not* because of any dislike for the American Constitution, but because they held it so dear and detested the manner in which it was being distorted under Northern leadership. Significantly, in spite of their numerous allusions to the Founding Fathers, the Confederates never proposed America's only real precedent for confederation, the Articles of Confederation.

The Confederate Constitution illustrates well the essential conservatism of the South's external revolution. Whereas radical states' rightists favored a constitution designed to extend and intensify the slaveholders' ideology, "safe," moderate voices prevailed. The resulting document, the Confederate Constitution, was less Southern than American in origin. In most respects it resembled the very Federal Constitution which the secessionists had allegedly repudiated. Curiously, for example, the founding fathers of the new planters' republic refused to provide for the re-opening of the African slave trade. Thomas sees their conservatism as the Confederates' foremost characteristic. After secession, he writes, the "Confederates did not believe they needed to make new worlds; they were more than content with the world they already had." Their fundamental goal was not a break with the past, but rather the preservation of the Southern status quo.

War, however, altered drastically the entire nature of the Confederate experiment. After the attack upon Fort Sumter, Southern leaders no longer could speak in idealistic terms of a peaceful separation from the Union or of the Confederacy as simply an alternative nationality. War placed such strains on the fabric of the Confederacy that it occasioned the radical, internal revolt which ultimately rocked the Southern ship of state from its moorings.

The seeds of the internal Confederate revolution lay first in the outbreak of war, and second in the Confederate Constitution itself. The preamble to that document spoke both of the Confederate States acting in their "sovereign and independent character," and of a "permanent federal government." Delegates to the Confederate Constitutional Convention in Montgomery were not unaware of the potential dilemma

posed by a clash of state and Confederate rights. But rather than confront the problem, they "were satisfied to affirm state sovereignty in general terms and trust future generations to understand the meaning of the phrase." War, however, made the future the present. Designed to function during peacetime, the loose confederation of Southern states faltered terribly after the Confederacy's initial victory at Manassas.

Better than any previous historian, Thomas places the string of Confederate military setbacks and bungled campaigns, July, 1861-April, 1862, into the context of Confederate nationalism. During the early months of 1862 the Confederacy was clearly foundering as a result of its commitment to states' rights. "Southerners," writes Thomas, "had tried to act like a nation and had failed." During the first year of its existence as a nation, the Confederacy "had been an incarnation of the Old South, and as such the Old South had been tried and found wanting. Southerners found that Confederate national survival and rigid adherence to ante-bellum Southern ideology were mutually exclusive. The ante-bellum South could not metamorphose into the 'bellum' South without some fundamental alterations in its cherished way of life."

Thomas credits Jefferson Davis's positive and creative leadership with holding the key to Confederate survival for three additional years. With the support of the Confederate Congress, the President initiated a series of novel steps which transformed Davis's nation from a land steeped in the traditions of the Old South, to a revolutionary Confederate South, "distinct from the Souths that came before and after." During this second phase of the Southern revolt, the locus of Confederate power was in Richmond, no longer in eleven provincial state houses. The war against the Yankee invaders was conducted on a national level with strong centralized leadership provided by the President. Centralization, a sharp move away from states' rights and the ethos of the individual, became the Confederate way of life after 1862. Not only did the Davis regime come to control the South's military-agricultural-industrial complex, but it taxed, impressed supplies and laborers, and regulated foreign trade. Davis and the Confederate government even resorted to such infringements of personal liberties as the suspension of the writ of *habeas corpus*, the power to declare martial law, and conscription. In 1865, as a last ditch effort to provide men for the South's decimated armies, Congress authorized the arming of blacks as soldiers. Their willingness to sacrifice slavery — the South's sacred cow and cornerstone of the region's socioeconomic system — revealed just how far Confederate nationalism had changed in the course of the war. Davis's all-consuming quest for Southern independence, Confederate self-determination, led the President to repudiate many of the principles upon which his new nation had been founded. Equally important, the Confederacy's internal revolt forced changes in almost every aspect of Southern national life.

One of the most dramatic areas of social change within the Confederacy was the impact of the war on the master-slave relationship. Thomas draws heavily on Eugene D. Genovese's view of slavery as a seignioral institution. It was a system of interdependency whereby the slaveholder depended upon the bondsman for labor and deference, and the slave upon his owner for paternal mastery and support. This reciprocal relationship may or may not have been stable during peacetime, but it unquestionably experienced severe strains during the Confederate war. Several forces worked to weaken the bonds between master and slave and, in turn, undermined the peculiar institution.

First, many masters served in the Confederate Army and their absence led to an overall decrease in white hegemony on the South's farms and plantations. "Substitute masters" — planters' wives, the elderly, overseers, and children — failed to provide the slaves with paternal control and, consequently, commanded less obedience from the slaves. Wartime shortages, the impressment of slaves, the presence of Union armies in rural districts, and the dramatic increase in the number of slaves in Southern cities also upset the traditional role of the master.

The exceptional circumstances of war prevented the planter from assuming the role of provider and master of all situations. As masters acted less like masters, slaves acted less like slaves. Thomas presents excellent case studies of the subtle and complex ways in which slavery changed under the pressures of war. Throughout the South, bondsmen began to break their chains either by running away or by less overt



means such as disrespectful or impudent behavior. Incredulous planters suffered considerable pain as they watched helplessly their social system, and their world, crumble about them. On the question of slave resistance, Thomas is extremely careful not to distort his evidence. Slaves, in fact *did* fight against the Confederacy by assisting runaways and Union troops. In doing so they were working out their own liberation. On the other hand, though, the slaves never rose *en masse* against their captors. Some even exhibited paternalism, guarded their masters, and thus reversed the master-slave roles.

Thomas's analysis of black Confederates is but one of numerous strengths in his excellent book. The volume is exhaustively researched and gracefully written. Its conclusions are in the main carefully reasoned. The footnotes bristle with references to the latest Confederate scholarship and the book's fifty-page bibliography is the most comprehensive enumeration of Confederate historiography in print. Only one recent major work, James L. Roark's *Masters Without Slaves* (New York, 1977), is omitted.

Thomas surveys all phases of the Confederate experience — administrative, cultural, diplomatic, and military — in such a judicious manner that none seems disproportionate in emphasis. This is especially true of his superb military accounts which are analytical and insightful, not mere rehashes of well-known Civil War engagements.

Perhaps Thomas's greatest strength as a historian is his uncanny ability to penetrate below the surface of complex issues and render balanced judgments. When analyzing the Confederacy's offensive-defensive strategy, for example, he makes the important point that the measure of Confederate nationhood was not achieving military victory, but rather avoiding defeat. Endurance was the key to Confederate nationalism. Every day the Confederate government survived offered undeniable proof of Southern independence and the success of Davis's conservative revolt.

He also offers just appraisals of two of the Confederacy's most maligned figures: Treasury Secretary Christopher G. Memminger and Davis himself. Both men were criticized in their day by disgruntled Confederate editors and politicians. Through the years historians have heaped much of the blame for Southern defeat on their shoulders. Thomas, however, is sympathetic in his treatment of them. Memminger, he argues, was a victim of Confederate circumstance. Although the South Carolinian favored a system of direct taxation from the start, his wishes were stymied by the overwhelming financial needs of the new nation and the innate conservatism of states' rights ideology. Cognizant of "the folly of unsupported paper money," Memminger tried repeatedly to retire large quantities of Southern paper currency and thereby arrest inflation. The task, concludes Thomas, simply was too great.

His positive assessment of Davis is in line with the recent biography of the man by Clement Eaton and with Paul D. Escott's important new book, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge: Louisiana State University Press, 1978). The new scholarship on Davis, while not eulogizing him as Hudson Strode did in his multi-volume biography, emphasizes the President's dedication, intelligence, and considerable flexibility. Although in many ways Davis remains a sphinx, historians no longer view him totally as an icy, snappish, doctrinaire constitutionalist.

What impresses Thomas most about Davis was the Mississippian's unflagging commitment to Confederate self-determination. Yet by February, 1865, when the Confederate Congress expressed its lack of confidence in his leadership,

the cause was already lost. "Davis," explains Thomas, "had tried to unify military command in himself, and although he had done so to a greater degree than his enemies, the Southern President had failed as a war leader, if only because he was losing the war." Even after Richmond had fallen, however, Davis refused to succumb to defeat and was ready to take to the hills to lead a guerilla war. The author notes that Davis's plan to fight till the end "reversed the normal pattern of guerilla operations and envisioned a transition from regular forces to partisans instead of the other way around." But an unconventional, irregular war proved unacceptable to a people who had already given so much of themselves in four years of strife. Southerners, concludes Thomas, were unprepared to offer "the ultimate sacrifice: that of themselves and their fundamental attachment to people and place."

Thomas undoubtedly is correct. There *were* limits to the lengths Southerners would go to win independence. But he merely speculates when he argues that the Confederates held a greater attachment to hearth and kin than did the Yankees. There simply is no way to prove or disprove an assertion such as this: "Confederates were conditioned to look upon land as the basis of wealth and social status. The culture of the Southern folk required a stable community of landholders." Could not the same sentences be applied to Northerners? Antebellum Northerners and Southerners worshiped land. In

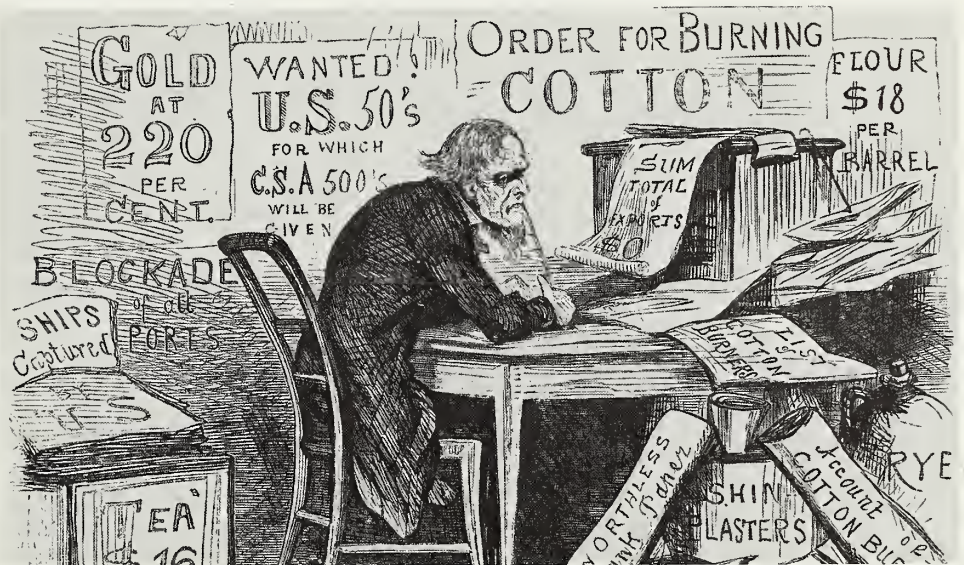


FIGURE 2. In his new book Emory M. Thomas sympathizes with the impossible fiscal problems faced by Confederate Treasury Secretaries Christopher G. Memminger and George Trenholm. This anti-Confederate cartoon appeared in *Harper's Weekly*, September 6, 1862, p. 576. It is clearly unsympathetic to Jefferson Davis's economic woes.

this respect, at least, the Southerner was an American, not a Southerner *sui generis*.

Thomas's thesis stems from David M. Potter's interpretation of Southern distinctiveness which appeared in the *Yale Review* almost twenty years ago. In "The Enigma of the South," Potter wrote that the South's "culture of the folk" was the region's most identifiable trait. According to Potter, historically "the relation between the land and the people remained more direct and more primal in the South than in other parts of the country." Potter, one of the most careful and distinguished historians of the South, advanced this thesis as one possible answer to a vexing enigma, not as dogma. Thomas, however, applies Potter's tentative explanation of Southernism uncritically and weds it to his own interpretation of Southern individualism.

Thomas's emphasis upon the individualism of Southerners and their unique characteristics leads him to make some provocative, though not completely defensible, arguments. Not only is this true of his treatment of the Confederacy's cultural and intellectual history, but of its military and economic history as well. The author's description of Pickett's assault on the Union center at Gettysburg is a good case in point. According to Thomas, the charge was "a gallant disaster. In a way it was the entire Confederate war in microcosm — a



gathering of clans instead of military organizations[,] led by an officer corps distinguished by its eccentricities, marching forth with bands playing and flags flying to take a gamble justified largely by the size of the stakes." Aside from the fact that Thomas fails to develop the ideas implicit in the terms "clans" and "eccentricities," might not similar words be used to describe the actions of Burnside and his Union troops at the Battle of Fredericksburg?

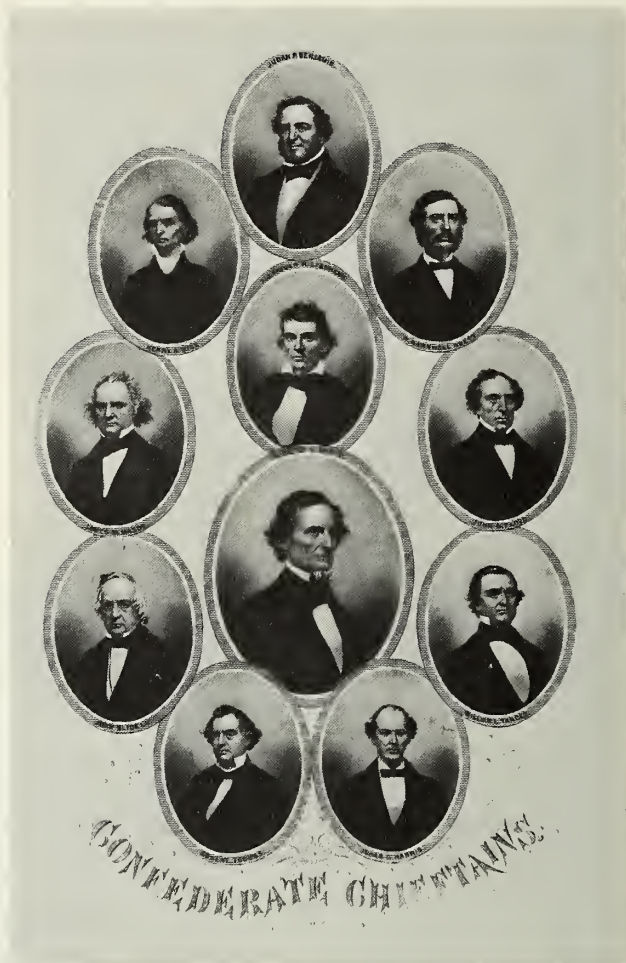
In another instance, an interesting analysis of the Confederacy's industrialists, Thomas espouses the distinctiveness of the South's captains of industry. Employing Antonio Gramsci's distinctions between types of intellectuals, Thomas argues that the leaders of the South's war industries "were hardly entrepreneurs whose acquisitive instincts fit the Yankee stereotype. On the contrary, the South's war industrialists tended to be 'traditional intellectuals' — school teachers, natural philosophers, and military scientists — as opposed to 'organic intellectuals' — industrial managers, mechanical engineers, and the like." His point would be far more convincing had Thomas examined the antebellum backgrounds of a large number of Confederate industrialists. Instead, he analyzed the postbellum careers of but five figures, too small a sample from which to draw overall conclusions. A real test of Thomas's hypothesis would have been the sort of collective biographical research conducted recently by Maury Klein into Northern Civil War industrialists.

Thomas's treatment of Confederate economic history raises additional questions as well. First, throughout his volume the author equates "preindustrial" with "precapitalist." Eugene



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**FIGURE 3.** In the waning days of the Civil War some Confederates proposed granting dictatorial powers to General Robert E. Lee. One of the South's most beloved figures, Lee joined the Confederate Army reluctantly, only after his native state, Virginia, had seceded.



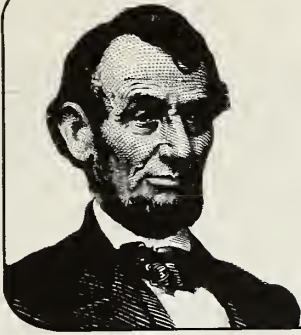
From the Louis A. Warren  
Lincoln Library and Museum

**FIGURE 4.** A Mississippi planter, Jefferson Davis surrounded himself with fellow members of the Southern elite. In the process he alienated the South's plain folk.

D. Genovese's important scholarship notwithstanding, cannot a region such as the Old South be simultaneously agricultural and still capitalist? Given Thomas's use of these terms, the Old North — largely agricultural but more industrialized than the Old South — would be precapitalist too. Part of Thomas's problem is that Confederate agriculture (the same may be said for Confederate religion) has not received the careful attention from scholars which it deserves. Students, for example, must test his conclusion that "The Confederates sustained themselves industrially better than they did agriculturally and far better than they had any reason to expect in 1861." Much more also needs to be learned about the economic condition of the Southern masses during the war. Although Thomas does not neglect consideration of the ordinary Confederates, the nonslaveholding yeomen and urban dwellers, our knowledge of this majority of Southerners is thin. Paul D. Escott's new book is a major step in the right direction. According to Escott, President Davis's greatest blunder was his insensitivity to the economic problems of the South's plain folk. Limited by his states' rights critics and his upper class perspective, the Confederate chief executive proved unable "to create the internal unity and spirit essential for the growth of Confederate nationalism."

Despite these strictures, Thomas has produced the best book on the Confederacy to appear in years. This is no mean feat because such outstanding Southern historians as E. Merton Coulter, Clement Eaton, Charles P. Roland, and Frank E. Vandiver have contributed valuable monographs on the subject. Thomas brings a mastery of the sources and a keen analytical mind to the task. He has established himself as the foremost interpreter of the Confederacy, the South's national experience.





# Lincoln Lore

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Mary Jane Hubler, Editorial Assistant. Published each month by the  
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Number 1713

## JOHN HINCKLEY, JR., AND JOHN WILKES BOOTH

John Hinckley's attempt to assassinate President Ronald Reagan provoked the now customary ritual of national soul-searching and retelling of bad history. Reporters flocked to psychiatrists to get some insight on the madmen (and madwomen) who have at alarmingly frequent intervals attempted to sprinkle the pages of our history with the blood of American Presidents. In Hinckley's case the psychiatrists seem to have the most to tell us, but I long for the day when the reporters seek their historical perspective on current events from historians rather than medical doctors, political scientists, or other journalists.

The impulse to put such unsettling events in perspective is commendable, but the word "perspective" connotes the long

view. Only historians have a long enough view to assess the place of this most recent assassination attempt in America's political history. By failing to consult historians, the press falls for the version of history retailed by those who know little about it. Thus Jane E. Brody, in an article for the distinguished New York Times News Service, tells us that "Unlike other countries, where assassinations of heads of state are carried out either by political fanatics or in a military coup, in this country nearly all assassinations have been personally, not politically, motivated." Anthony Lewis, in an article in the New York Times of April 2nd, calls America's assassins and would-be assassins "lonely, demented men." "Of all the attacks," he writes, "only that on President



THE ASSASSINATION OF PRESIDENT LINCOLN.

AT FORD'S THEATRE WASHINGTON, D.C. APRIL 14TH 1865.

*From the Louis A. Warren  
Lincoln Library and Museum*

FIGURE 1. Lincoln's assassination as Currier & Ives depicted it.



Truman by Puerto Rican nationalists had an identifiable political purpose." *Time* magazine, in its April 13th issue, identified John Wilkes Booth as "the first of the modern American assassins." *Time* belittles his love for the Confederacy as "fustian" and stresses Booth's desire for fame. United Press International's Peter Costa got his history from a psychiatrist who had studied "Son of Sam" killer David Berkowitz and from other illustrious medicos. One of the latter said that "Recent assassination attempts have not been politically motivated." And the "Son of Sam" doctor added that John Wilkes Booth was similar to Hinckley in being a failure, overshadowed by a successful father. "The psychiatrist," Costa wrote, "said Boothe [sic] was a failed actor, who never received the critical acclaim that his father — also an actor — did." Most of the articles about the recent attempt agreed that only the Puerto Rican nationalists who attempted to kill President Harry Truman were exceptions to the rule that American assassins were mentally unstable loners little concerned with the issues of politics.

Absolutely nothing in the Lincoln assassination fits this new version of American history. In the hope of destroying this myth before it gains any serious degree of acceptance, let us review the facts of America's first Presidential assassination, John Wilkes Booth's political crime, the murder of Abraham Lincoln.

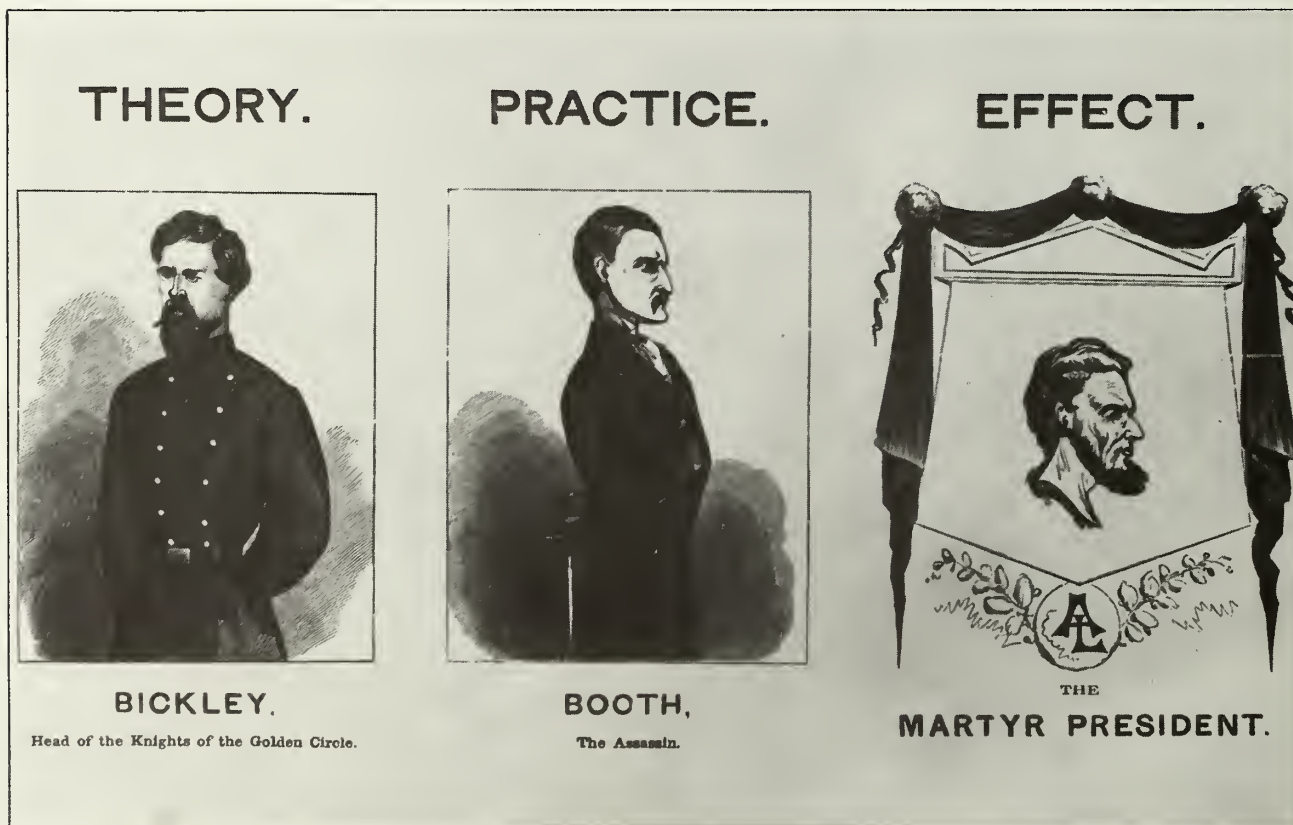
"They are quiet, slightly overweight young men more familiar with guns than with girls." This is the dramatic beginning of Peter Costa's article, which tries to force Booth into the mold of other assassins and would-be assassins. To this profile, Dr. Zigmond Lebensohn adds the portrait of "a single mentally disturbed person who is alienated from society, who feels like a zero, is wanted by no one and can't get a job." Jane Brody admits that Booth does not fit the mold of the "little people" who have since tried to kill American Presidents, but she hastens to add that "even Booth was the lesser light in a family of actors more successful than he."

It would be a great error to engage in a debate on this question on the narrow terms suggested by the journalists and psychologists. I do not relish the prospect of a debate over

Booth's psyche, about which we know very little. I feel certain that some doctors and journalists would not find Booth's \$20,000-a-year income a significant index of his secure fame as an actor. His reputation as a ladies' man might be thought a minor exception to the profile. More pertinent to setting the record straight is all the vast historical evidence the doctors and journalists fail to mention — the evidence that proves Lincoln's assassination was a crime with a clear political motive and not the weirdly inexplicable intrusion of a little lunatic into American history. The doctors and the reporters will not find the explanation of Lincoln's assassination by studying John Wilkes Booth's relationship with his father. The answer lies in the testimony, letters, and documents which Booth and his coconspirators left for historians to study.

Coconspirators? The doctors and journalists did not mention them, but they are an important proof of the nature of John Wilkes Booth's crime. In the first place, *they did exist*. His was not the work of some troubled individual so far from reality that he could enlist no one else in his cause. If fact, he enlisted quite a few. Booth's crime began as a plot to kidnap the President, and he gathered a large enough group to accomplish it — a group equipped with the talents he needed for a desperate act. In the late summer or early autumn of 1864, Booth contacted two old school chums of his, Samuel Bland Arnold and Michael O'Laughlen (or O'Laughlin). In the winter he added John Harrison Surratt, Jr. Surratt was well connected in the disloyal network of southern Maryland, and he probably introduced Booth to George A. Atzerodt, the next recruit. Booth added David Edgar Herold, a pharmacist's assistant who had sold the actor medicine when he was ailing from a growth on his neck, and, finally, Lewis Thornton Powell (alias Paine or Payne).

They were all useful men. Arnold and O'Laughlen were former soldiers. Surratt was a spy; he knew how to get away from Yankee soldiers and detectives. Herold was a partridge hunter, allegedly familiar with the backwoods of Maryland through which the kidnappers must flee. Atzerodt had often ferried spies across the river from Maryland to Virginia.



From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 2. This rare and unidentified print interpreted Booth's crime as a political act.





*From the Louis A. Warren  
Lincoln Library and Museum*

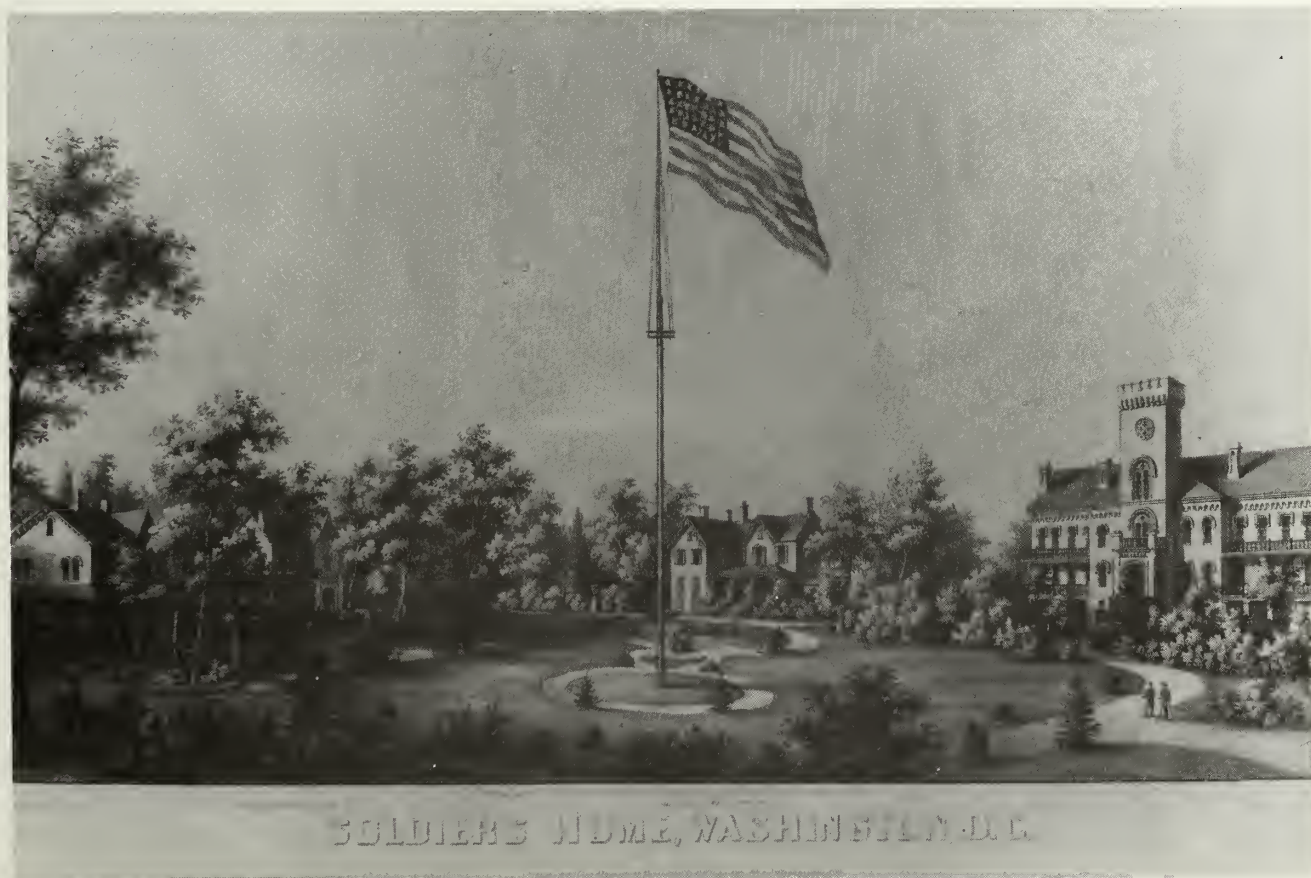
**FIGURE 3.** Ford's Theatre was a less inviting spot for crime.

Powell was a former soldier, too, and he was large, strong, and violent.

What held this group together? Political views. Arnold and O'Laughlen were former Confederate soldiers. Surratt was a Confederate spy who carried the illegal "mail" from Richmond to Canada and back. Atzerodt had helped Confederate spies also. Powell was an escaped Confederate prisoner of war. Only Herold was so triflingly boyish as to lack any defined political opinions. The other members of the group all hoped the Confederacy would win the war. All had directly aided the Confederate war effort. It is no wonder they did not like Lincoln.

Booth was a man of pronounced political opinions. He, too, hoped that the Confederacy would win the war, and his hope was so fervent that he gave up his successful acting career to pursue the political object of removing Lincoln as an obstacle to Confederate success. In the spring of 1864, General Ulysses S. Grant had ceased exchanging prisoners, figuring manpower was a more serious problem for the South than for the North. Booth thought he could regain that lost manpower for the South by exchanging the President for Confederate soldiers in Yankee prisons.

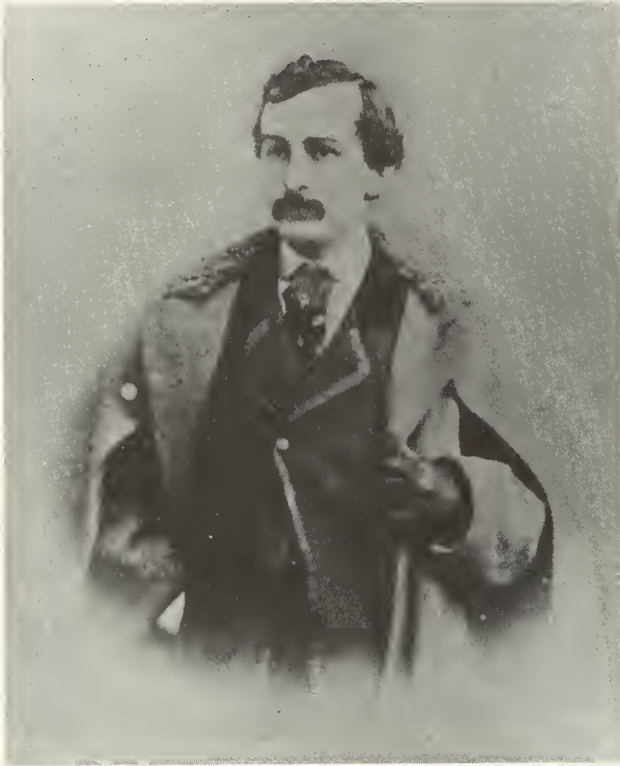
We know little about John Wilkes Booth, but we do know his political opinions. In November, 1864, he left a letter — the longest extant Booth letter — with his sister, Asia Booth Clarke. "People of the North," Booth warned, "to hate tyranny, to love liberty and justice, to strike at wrong and oppression, was the teaching of our fathers. The study of our early history will not let me forget it, and may it never." This libertarian rhetoric, the stock-in-trade of the Democratic opposition to the Lincoln administration, led Booth to fear that Lincoln was a tyrant. He told his brother Edwin, who voted for Lincoln in 1864, that Lincoln would become king of America. To his fears of the demise of liberty in America, John Wilkes Booth joined racial fears. He had grown up in Maryland, and the political philosophy of that slave state permeated Booth's mind. "This country was formed for the



*From the Louis A. Warren  
Lincoln Library and Museum*

**FIGURE 4.** The Soldiers' Home offered the conspirators great opportunities to kidnap Lincoln.





From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 5. John Wilkes Booth.

white, not for the black man," Booth's letter argued. "And, looking upon *African slavery* from the same standpoint held by the noble framers of our Constitution, I, for one, have ever considered it one of the greatest blessings (both for themselves and us) that God ever bestowed upon a favored nation. Witness heretofore our wealth and power; witness their elevation and enlightenment above their race elsewhere." Most accounts agree that when Booth shot Lincoln, he shouted, "*Sic semper tyrannis*." The political motive was uppermost in his mind from the beginning of the kidnap plot until that fateful moment over six months later at Ford's Theatre.

To be sure, Booth's was not a legitimate, rational, or ordinary political act. Thousands of Americans held the same political views he did without deciding to stalk the President with a Deringer pistol. Booth's coconspirators shrank in number as the crime became wilder in conception. By the time Booth had gathered enough men to kidnap the President, it was no longer the season of hot weather in Washington. Lincoln was no longer taking his long rides to the Soldiers' Home to sleep at night, and their opportunity was lost. Booth then decided to kidnap the President from Ford's Theatre while he watched a play. Arnold and O'Laughlen thought the new scheme preposterous; they would not have a shadow of a chance of coming out of it alive. After an abortive attempt to capture Lincoln in his carriage, they left the plot. John Surratt went back to carrying the Confederate mail to Canada. Booth now had too few men to kidnap the President.

Richmond fell. There was no place to take Lincoln now, even if the conspirators could capture him. Only truly desperate measures could save the Confederacy, keep American liberties safe from the "tyrant" in Washington, and make this an all-white country. By killing the President, the Vice-President, and the Secretary of State, Booth thought he might cause a revolution in the North that would accomplish his purposes. Atzerodt, Herold, and Powell were still with him, and each had a role to play on the night of April 14th.

It is true that the political motives for Booth's crime have been obscured over the years since 1865. Lincoln's fame has been an important factor in this. Most Americans have regarded Lincoln as so good a President that it seems only a

madman could have killed him. Moreover, it took an enormous effort to bring this country back together after the bloodiest war in its history. It would not have aided this effort to be constantly reminded that men of Confederate sympathies were responsible for Lincoln's murder. The political motives were conveniently ignored for the sake of national unity; many eventually forgot them. Concern for the Negro reached an acme during the Civil War and Reconstruction. After 1877 white opinions of the Negro declined precipitously, and by the turn of the century few white Americans cared enough about the plight of the black man to recall that hatred of the Emancipation Proclamation motivated Lincoln's assassins.

Finally, Lincoln scholarship itself has been somewhat to blame for our tendency to forget Booth's political motives. The great Lincoln biographers, like James G. Randall, often boasted that they were concerned in their works only with the living Lincoln. They left the assassination to amateurs and sensationalists who invented new motives for Booth's act, motives that further obscured the true political motive for the crime.

The fact remains that Lincoln's assassination was the act of political fanatics, not of a solitary lunatic trying to work out his personal psychological problems. Historians would have told the reporters, if only they had been asked. There is no simple solution to the problem of assassination in America, but the problem will never be solved if we ignore what history tells us about these crimes.

## IN MEMORIAM EVERETTE BEACH LONG (1919-1981)

E.B. "Pete" Long, a member of *Lincoln Lore's* Bibliography Committee, died in Chicago on March 31.

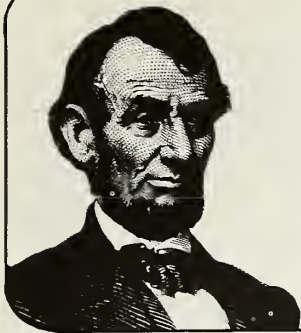
Born in Whitehall, Wisconsin, Mr. Long attended Miami University (Ohio) and Northwestern University. His distinguished career began in journalism. He worked for the Associated Press for eight years and became an editor of the *American Peoples Encyclopaedia*. In the 1950s he became Bruce Catton's research assistant on the three-volume *Centennial History of the Civil War*. That experience led to similar work for Allan Nevins on the later volumes of his monumental *Ordeal of the Union* series.

In 1969 Mr. Long left Chicago, where he had lived most of his mature life, for Wyoming. He carried with him an enormous store of knowledge about the Civil War. Two years later he published *The Civil War Day by Day: An Almanac, 1861-1865*. This remarkable reference work — 728 pages of facts — sits at the elbow of nearly all Civil War historians. Long became a Professor of American Studies at the University of Wyoming, one of the very few people in the country to attain such academic status without a Ph.D.

Professor Long recently completed *The Saints and the Union: Utah Territory during the Civil War*, a study of the troubled relationship between the Mormons and the United States in its most critical period. He returned to Chicago this spring to speak about his new book to a local club. He was among old friends. "Pete" was perhaps the most sought-after speaker for Civil War Round Tables, and the Milwaukee and Fort Wayne clubs were awaiting his visit. After the Chicago speech, he walked to his hotel, called his beloved wife of thirty-nine years, described his fine day to her, hung up, and died moments later of a heart attack.

"Pete" was friendly and conscientious. He was a stimulating conversationalist and a dedicated worker. He was a prolific and good writer. He was a gifted, even inspiring, speaker. He truly "gave the last full measure of devotion" to the study of the Civil War.





# Lincoln Lore

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Mary Jane Hubler, Editorial Assistant. Published each month by the  
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Number 1722

## LAWANDA COX ON RECONSTRUCTION IN LOUISIANA: A REVIEW

President Lincoln's attempt to reconstruct Louisiana has been the focus of a tremendous amount of attention in recent years. It has provided the exclusive subject matter of two major books in the last three years: Peyton McCrary's *Abraham Lincoln and Reconstruction: The Louisiana Experiment* (Princeton: Princeton University Press, 1978) and LaWanda Cox's *Lincoln and Black Freedom: A Study in Presidential Leadership* (Columbia: University of South Carolina Press, 1981). Other historians have given it considerable notice in books, articles, and scholarly papers of broader focus. Reconstruction in Louisiana is a hot topic these days.

The attraction lies not so much in swampy Louisiana itself as in the subject of Reconstruction, for Lincoln made Louisiana a sort of model of his policy toward the conquered South. Interest in Reconstruction is high for three principal reasons. First, scholars, jurists, reformers, and policy makers have been look-

ing for precedents set in the 1860s and 1870s for the modern movement for civil rights for black people a century later. Indeed, the measures of the modern era are sometimes called the Second Reconstruction. That initial impulse to study the first Reconstruction is well on the wane, but scholars trained in graduate schools in the 1960s did their initial work on Reconstruction and continue to work in the field even though many reformers, jurists, and policy makers have abandoned those concerns. If that second factor may be characterized as scholarly inertia, a third factor is surely scholarly thoroughness. There is a sense abroad in academe that Reconstruction scholarship, like the Second Reconstruction to which it was a handmaiden, must move on to new insights that go well beyond the now old-fashioned attempt to prove that Reconstruction was not as bad as most white Americans used to think.

LaWanda Cox, with her late husband John, wrote one of the



From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 1. When Union forces arrived in Louisiana, Lincoln had his first big chance to reconstruct a state.





From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 2. Some New Orleans residents scrambled to take the oath of allegiance to the United States.

1960s' most important and influential works on Reconstruction, *Politics, Principle, and Prejudice, 1865-1866: Dilemma of Reconstruction America*, a book which did much to destroy Andrew Johnson's reputation. Mrs. Cox was already a mature scholar at the advent of the heyday of Reconstruction studies. Her interest in the subject endures because of essentially scholarly impulses. In her long career, she came across documents which did not seem to jibe with the accepted wisdom on Abraham Lincoln's Reconstruction policies, and she wanted to figure out what was correct.

In one respect, but in one respect only, her conclusions are not original. She shares with McCrary and other scholars a view, fast gaining wide acceptance among historians, that Abraham Lincoln would have reconstructed the South had John Wilkes Booth not stopped him. In light of the preponderance of evidence in favor of this view — one thinks immediately of the numerous Lincoln letters urging military governors in the South to get on with the work of reconstructing their states — the conclusion may seem obvious and banal. A quick glance at the conclusions reached by the previous generation of historians like Allan Nevins and James G. Randall, will quickly reveal the unanimity of the contrary opinion until very recent times. And outside the scholarly community, the older view still reigns supreme and shows few signs of movement toward the newer view. It will require many more reiterations than Mrs. Cox's to turn the tide of majority opinion, and there is nothing wrong with her reasserting this truth.

The real originality of *Lincoln and Black Freedom* lies in the nature of Mrs. Cox's proof of the proposition that Lincoln would have reconstructed the South had he lived to complete his second term. Readers of McCrary's book in particular will be surprised to see who Mrs. Cox's heroes and villains are. The reader should not be fooled by her assertion that her approach in the book was "one of reflection rather than research." She has solid documentation for her most important conclusions. She

read the crucial documents and, more important, read them with care and with discerning and sympathetic intelligence. It is a convincing book.

The care with which Mrs. Cox read the documents is apparent in her first chapter. Relying for the most part on documents read by hundreds of historians before her, she manages nevertheless to describe Lincoln's policies toward slavery in a fresh and exciting way:

When war opened possibilities unapproachable in the 1850s, Lincoln's reach was not found wanting. Indeed, there is something breathtaking in his advance from prewar advocacy of restricting slavery's spread to foremost responsibility for slavery's total, immediate, uncompensated destruction by constitutional amendment. The progression represented a positive exercise of leadership. It has often been viewed as a reluctant accommodation to pressures; it can better be understood as a ready response to opportunity. Willing to settle for what was practicable, provided it pointed in the right direction, Lincoln was alert to the expanding potential created by war. Military needs, foreign policy, Radical agitation did not force him upon an alien course but rather helped clear a path toward a long-desired but intractable objective. Having advanced, Lincoln recognized the danger of a forced retreat, a retreat to be forestalled with certainty only by military victory and constitutional amendment. His disclaimer of credit for "the removal of a great wrong" which he attributed to "God alone," though in a sense accurate, for the process of emancipation did not follow his or any man's design, was nonetheless misleading.

Although historians have often remarked on Lincoln's "growth" in office, none has heretofore called the rapidity of change in his views on slavery "breathtaking."

Can Mrs. Cox document it? In a word, yes. She notes that Lincoln was the first President ever to ask Congress to pass an amendment to the Constitution fully drafted by the President



himself (in December, 1862). "Lincoln took the initiative against slavery," she says. When he had first suggested his scheme for gradual and compensated emancipation in the border states the previous March, "Congress had not yet taken any action against slavery as such." The first Confiscation Act (August, 1861) affected only slaves used for military purposes, and the bill to abolish slavery in the District of Columbia had not yet passed either house. Even Wendell Phillips had to admit that Lincoln was "better than his Congress fellows." The Phillips letter came to light only in 1979. Mrs. Cox has been reading as well as reflecting.

Mrs. Cox's interpretation of the Emancipation Proclamation likewise gives firm support for her use of the word "breath-taking":

In issuing the Emancipation Proclamation, Lincoln is sometimes seen as lagging behind Congress, which had passed the Second Confiscation Act on July 17, 1862. Yet the first draft of his proclamation was presented to the cabinet just five days later and his decision had been made earlier, at least by July 13 — that is, before Congress acted. When his advisers convinced him to delay until a Union victory, Lincoln promptly issued the first paragraph of his draft as a separate proclamation giving warning that all persons who did not return to their allegiance would be subject, as provided by the Confiscation Act, to forfeitures and seizures.

The discerning intelligence with which Mrs. Cox read the documents is everywhere apparent. She knows that tone is

important. In discussing Lincoln's message on compensated emancipation of the spring of 1862, she notes that in "earnestly beg[ging] the attention of Congress and the people," he "rejected the suggestion that he substitute 'respectfully' for 'earnestly.'" He pleaded for his program "in full view of my great responsibility to my God, and to my country." Mrs. Cox adds shrewdly: "In this first major antislavery document of his presidency the word order of 'God' and 'country' may be not unworthy of note." Lincoln was honest, but he was also crafty, as Mrs. Cox knows from her sensitive reading of his works. When rumors that Confederate peace commissioners were coming to Washington threatened passage of the Thirteenth Amendment in the House early in 1865, James Ashley asked the President for a denial.

Pressed, Lincoln sent a one-sentence, carefully phrased response: "So far as I know, there are no peace commissioners in the city, or likely to be in it." Peace commissioners, as Lincoln well knew, were on their way — but to Fortress Monroe rather than to "the city."

*Lincoln and Black Freedom* is a book for aficionados who will appreciate the subtle interpretations and the careful attention to chronology.

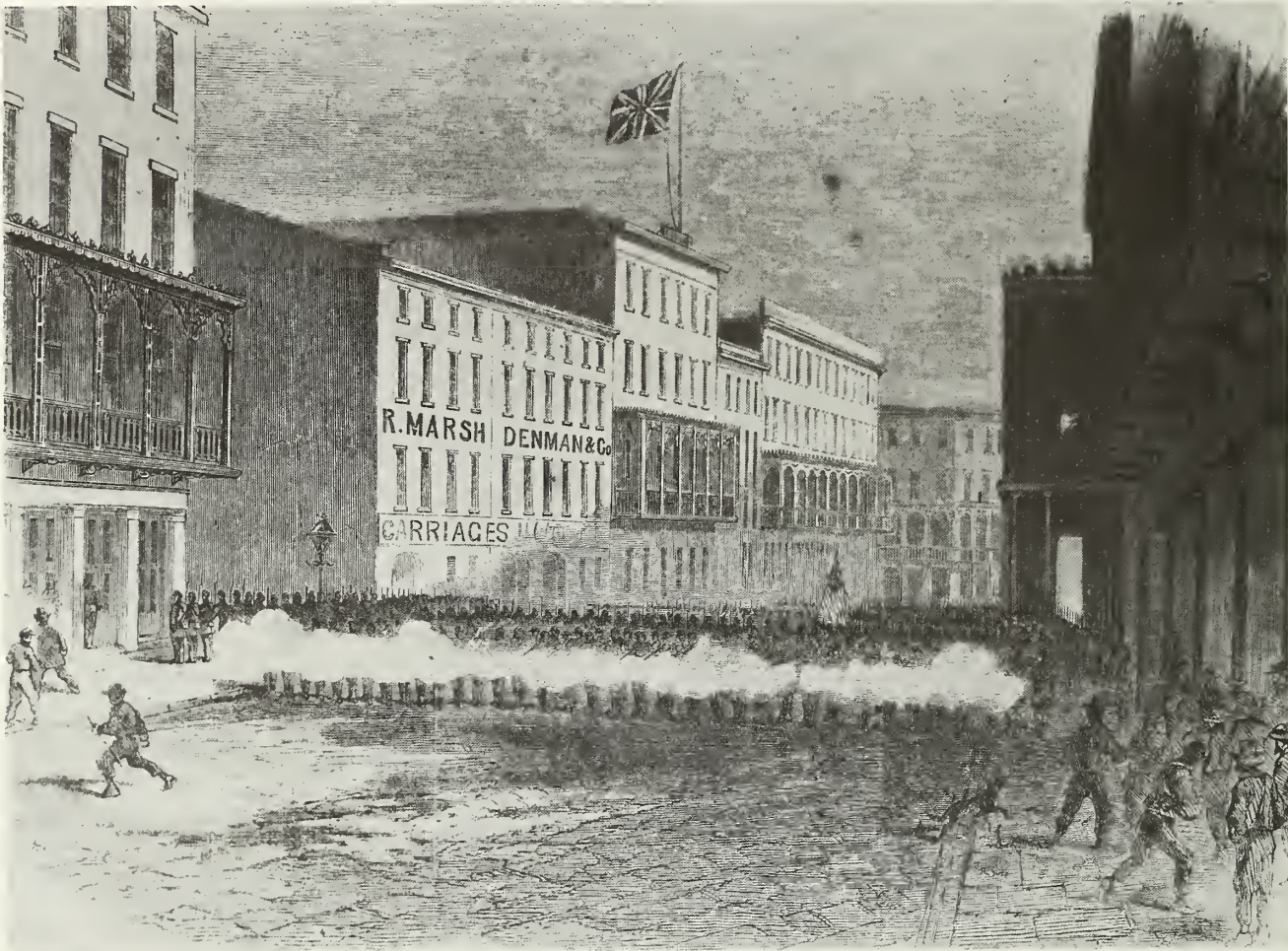
When Mrs. Cox turns her formidable talents to the subject of Reconstruction in Louisiana, she reaches even more impressive and original conclusions. Her straightforward chronological approach allows her first to document Lincoln's education into the realities of disloyal sentiment in the South. Beginning with the notion that indigenous forces in occupied Louisiana could,



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FIGURE 3. Union generals lectured Louisiana's blacks on their duties as freedmen.





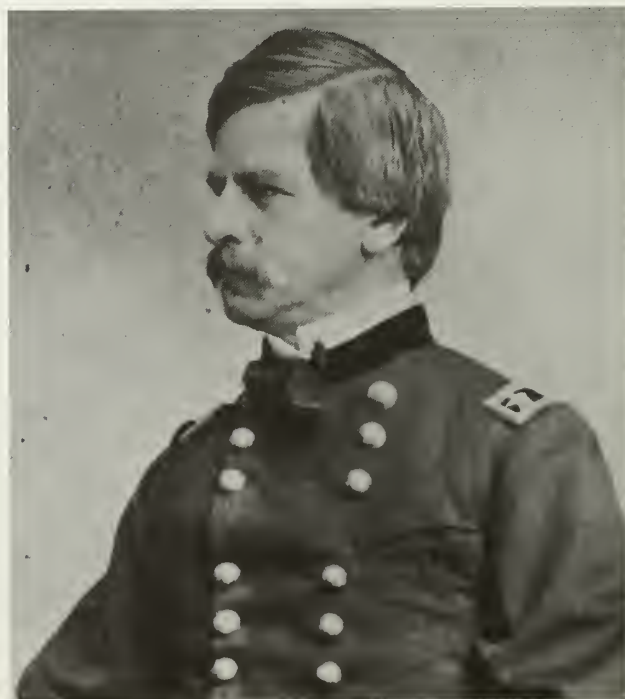
From the Louis A. Warren  
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**FIGURE 4.** Military power was much in evidence as Union soldiers practiced “street firing” in New Orleans.

with a little encouragement, create a new free state government, the President learned gradually that it could not be done — at least not before 1864, when the threat of Democratic control of the national government might end all efforts to undermine slavery. Slowly he came around to the view of General Nathaniel P. Banks, the Northern military commander in the region, that it could be done by means of military pressure without anything approaching a majority of the local population. That education informed Lincoln’s general Proclamation of Amnesty and Reconstruction of December 8, 1863, which asked only for a ten percent nucleus around which to form a free state in any of the occupied South. Banks’s idea, which soon became Lincoln’s, was to organize elections for state offices under the old prewar proslavery constitution and declare the parts of that constitution upholding slavery null by sheer military authority. It would take too long to wait for majority opinion even among the loyal people of Louisiana to come around to the conviction that slavery should be abolished in a new state constitution.

Readers of Peyton McCrary’s *Abraham Lincoln and Reconstruction* will be surprised to hear of this concurrence of views between Lincoln and General Banks. McCrary accused Banks of deceiving Lincoln into thinking that the local antislavery loyalists, the Free State Committee led by Thomas J. Durant, were dragging their feet in registering voters for a constitutional convention. Banks, McCrary argued, gained control of the political situation in Louisiana and engineered a conservative “coup” which undermined the more radical Free State movement. As Mrs. Cox points out, however, it was a long letter from Durant to Lincoln (October, 1863) which revealed to the President that little or nothing was being done in Louisiana.

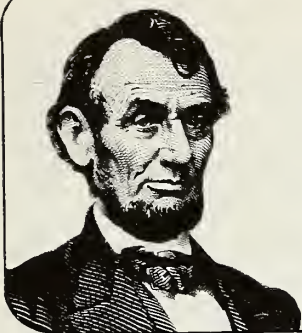
(To be continued)



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**FIGURE 5.** General Nathaniel P. Banks.





# Lincoln Lore

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Mary Jane Hubler, Editorial Assistant. Published each month by the  
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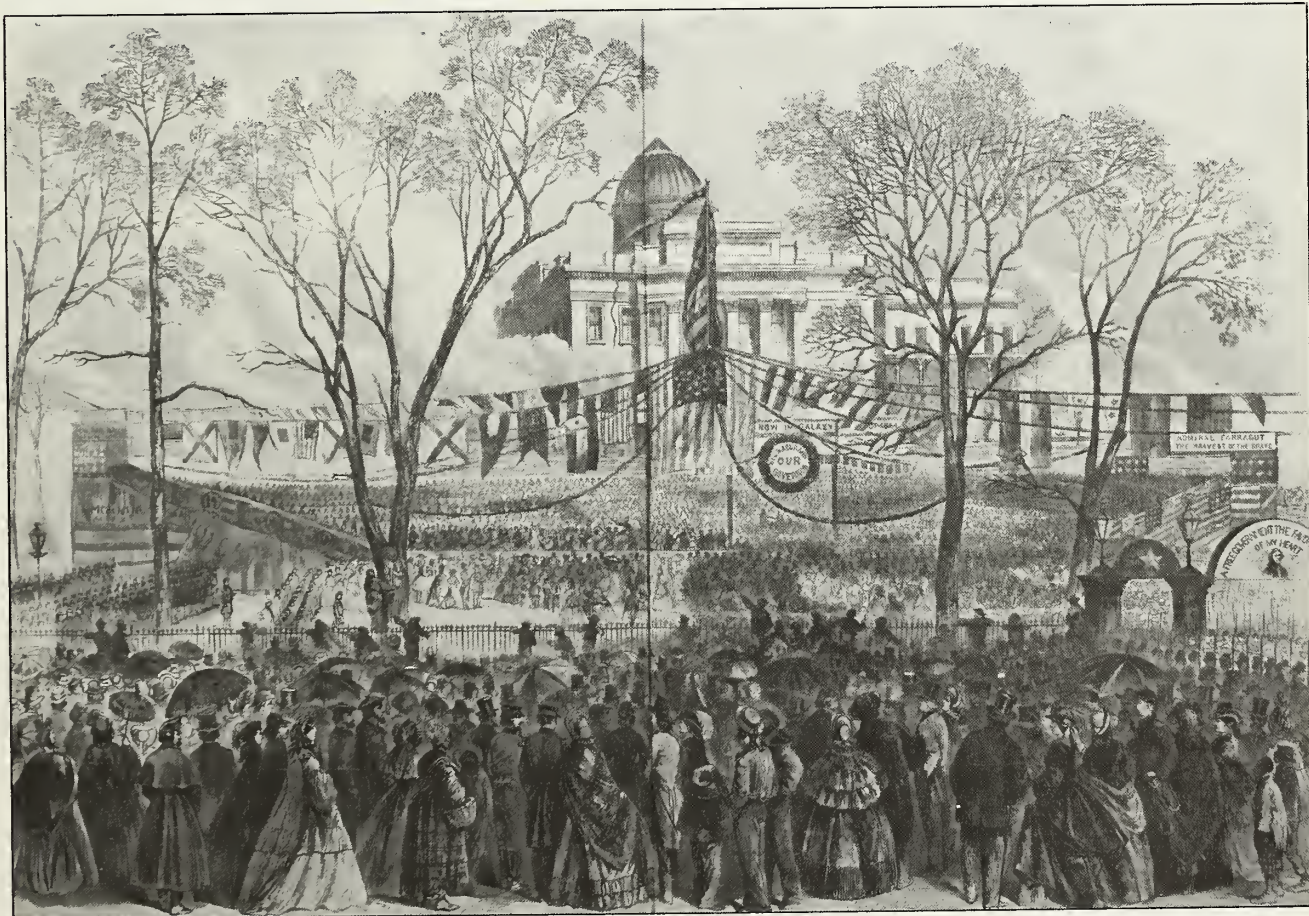
## LAWANDA COX ON RECONSTRUCTION IN LOUISIANA: A REVIEW (Cont.)

The President then blamed Banks for the lack of progress, and the general, whose military duties kept him from seeing Lincoln's letter until December 2nd, did not get around to defending himself until December 6th. Banks said, and it was true, that he had no orders authorizing him to take charge of the political situation. Since word that it would take a long time to organize a constitutional convention in Louisiana came from Durant himself, it is little wonder that Lincoln turned to Banks and sustained him, as Mrs. Cox argues, when he differed with Durant and the Free State movement.

Mrs. Cox's understanding of the situation in Louisiana is markedly different from McCrary's. In her book, Banks is depicted as leading a temporarily successful Unionist move-

ment in Louisiana fully in keeping with the President's wishes. In his book, Banks is depicted as the President's deceiver. In Mrs. Cox's work, Durant appears as a difficult stumbling block to progress toward the goal of making Louisiana a free state before adverse political developments in 1864 could undermine the work. In Mr. McCrary's work, Durant appears as a man thoroughly wronged by Banks and a President working under false assumptions about political reality in Louisiana.

Mrs. Cox wins this argument hands down. Durant chose to make his name in history by opposing the Lincoln-Banks government and by claiming that it was engineered to undermine the radical Free Staters' desire to urge suffrage for Negroes in Louisiana. *Lincoln and Black Freedom* shows that in fact



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FIGURE 1. Governor Michael Hahn's inauguration in New Orleans, March 4, 1864.





From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 2. Mrs. Banks sponsored a splendid entertainment on election day in Louisiana.

the President, Secretary of the Treasury Salmon P. Chase, and Durant himself were, in the beginning, all in agreement on the suffrage issue. All three were committed to registering freeborn black citizens, principally the New Orleans Creoles.

Durant had not gone farther than that in urging black suffrage by February, 1864. And Lincoln had already gone that far. He had twice approved registration of freeborn Negroes as voters in Louisiana. Lincoln approved Secretary of War Edwin M. Stanton's order of August 24, 1863, telling the military governor in Louisiana to register "all the loyal citizens of the United States" there. Chase had objected to the first draft of the order, which stipulated organizing a constitutional convention based on the white population. The final order stipulated "loyal" citizens rather than "white" citizens. "For the instructions," Chase said, "we are indebted to Mr. Stanton and the President." In the following November, Chase had to write to urge Durant, in charge of the voter registration, to register Negro citizens. Durant replied that he favored it himself, but it would be helpful to have specific directives from Washington. Chase went to Lincoln. "I informed the President of your views on this subject," Chase told Durant on December 28, 1863, "and he said he could see no objection to the registering of such citizens, or to their exercise of the right of suffrage."

Banks ruined this hopeful unanimity of opinion on a delicate subject by opposing any black suffrage. He feared that the issue would divide Southern loyalists and endanger the abolition of slavery by the new state government. The split in the Louisiana loyalists which followed was Banks's fault, as McCrary and Cox both agree, but it was also Durant's fault. In a huff over Banks's assumption of power in Louisiana at the President's direction, he chose not to discuss and compromise but to fight the Banks government to the bitter end.

That opposition, combined with the suspicions of the radical

antislavery men that Lincoln was not radical enough to suit them, eventually doomed the Louisiana experiment. Banks, a political general if there ever was one, proved to be politically inept. Mrs. Cox describes the demise of the experiment with equally convincing attention to close reading of the documents and careful chronology. In sum, there is a great deal more in the book than can be described within the confines of this review.

If there is a significant flaw in *Lincoln and Black Freedom*, it is an error of omission rather than one of commission. Mrs. Cox tends to be a bit skimpy on biography. With as famous a figure as Lincoln, this is no problem. In his case she very properly focuses on the particular problem and aims at straightening out the reader's understanding of Lincoln's role in it.

With Nathaniel P. Banks, Mrs. Cox's failure to provide a wider biographical focus is more problematic. "The fate of Lincoln's free state," she says accurately, "suggests the vulnerability of presidential purpose and power to ineptitude of execution, the obstinacy of human nature, and misperceptions fired by the passion of great ends linked to personal conceits." She documents Lincoln's purpose in the Louisiana experiment better than anyone has ever done before. She finds the important instances of ineptitude. She describes Durant's obstinacy in unforgettable terms. She shows the vital links between personal conceits and conflicts over national policy. Yet Banks's inept policies are central to the story, as is his obstinacy and his conceit. They are as central as Lincoln's purposeful leadership, but they are not as well described.

Mrs. Cox realizes that Banks was too optimistic. When he told Lincoln that reconstructing Louisiana as a free state would be no more difficult than "the passage of a dog law in Massachusetts," Banks made one of the worst predictions in American history. Thirteen years of Federal occupation and struggle — some of it bloody — followed Banks's assumption of political control in Louisiana. There was special irony, as she points out,





*From the Louis A. Warren  
Lincoln Library and Museum*

**FIGURE 3. While Louisiana's loyal citizens voted, a military band played in Canal Street. It was George Washington's Birthday, and the occupying troops marked the anniversary with patriotic fervor.**

"in the political general failing to be politic." She shows very well what went wrong in Louisiana, but she does not say why Banks erred. There was the factor of his gross optimism, of course, but why was he so optimistic?

Only biography can tell, and the problematic nature of Banks's conception of the Louisiana experiment seems glaring enough to demand more attention to his biography. Advising President Lincoln on Louisiana policy in 1863, Banks said:

Offer them a Government without slavery, and they will gladly accept it as a necessity resulting from the war. Other questions relating to the condition of the negro, may safely be deferred until this one is secured. If he gains freedom, education, the right to bear arms, the highest privileges accorded to any race and which none has yet proved itself worthy unless it be our own, his best friend may rest content for another year at least.

In January, he told Lincoln that the government he was creating in Louisiana with the help of Federal bayonets would provide "for the gradual restoration of power to the people" but "in such manner as to leave the control of affairs still in the hands of the comm[un]d[ing] General." When Louisiana citizens elected Michael Hahn governor, they "understood . . . that Mr. Hahn represents a popular power entirely subordinate to the armed occupation of the state for the suppression of the rebellion and the full restoration of the authority of the government." "The election perilled nothing," Banks told the President — "Had it resulted in the election of an opponent, he would be without power." When Louisiana's new constitution abolished slavery in September, Banks crowed: "History will record the fact that all the problems involved in restoration of States . . .

have already been solved in Louisiana with a due regard to the elevation of the black and security of the white Race."

Such optimism seems glaringly wrong in the light of subsequent events in Louisiana, but it is more than "twenty-twenty hindsight" that makes the error clear. Foresight at the time surely demanded that General Banks ask what would happen when the Federal troops left. Would the Negro's advance, left to the future, occur then? When the Confederates returned, the opposition would surely win elections. Would the opponents be powerless then? To be sure, Banks's statements were meant to let Lincoln know that the military would not allow a disloyal government to rule if the Unionists lost in 1864, but should not even that mention of the subject have caused Banks to wonder about 1865 or 1866?

Banks was sanguine. He would let the future take care of itself. His government would satisfy the abolitionists for another year (he thought, wrongly), and that was all that concerned him. Banks lived day to day, so to speak, but he also thought that his work in Louisiana guaranteed him immortal fame. "History" would record his deeds. He was conscious of history. He was thinking about what would be said of his Louisiana government in the long run, but he had no long-range plan. Why not?

It is impossible to tell for certain, but a look at the general's career before the Louisiana experiment offers at least one enticing clue. General Banks's first command was the Department of Annapolis. There, in 1861, he controlled the corridor from the Northern states to Washington, D.C. His headquarters was in Baltimore, and Banks "found the situation one of Southern hearts and Northern muskets," as his able biographer, Fred



Harvey Harrington, states. He tried to be conciliatory first, and secession sentiment soared. He was ordered to get tougher. Eventually, Banks's soldiers installed a pro-Union successor to the notoriously secessionist police marshal.

Banks then became the head of the Army of the Shenandoah, and more of Maryland came under his jurisdiction. On George B. McClellan's orders, he arrested secessionist members of the Maryland legislature on their way to Frederick for a special session. His soldiers "protected" the polls, as pro-Union forces swept to victory in the autumn elections.

In later years, Banks would boast that his administration of Maryland was a model for Reconstruction:

The secession leaders — the enemies of the people — were replaced and loyal men assigned to . . . their duties. This made Maryland a loyal State. . . . What occurred there will occur in North Carolina, in South Carolina, in Georgia, in Alabama and Mississippi. If . . . those States shall be controlled by men that are loyal . . . we shall then have loyal populations and loyal governments.

The Maryland experience helps to explain Banks's optimism.

As was more often the case than has been commonly recognized in the study of Reconstruction, such optimism was rooted in a particular analysis of Southern society. The analysis perhaps came easier to former Democrats (like Banks), who were used to invoking a form of class analysis in their prescriptions for political policy. It may have come easier as well to a politician of working class origins (like Banks, the "Bobbin Boy of Massachusetts"). Banks vowed to build a loyal Louisiana out of the "humble and honest farmer, the poor mechanic, the hard-

working classes, the bone and sinew of the land." It will not do to dismiss such statements as the rhetorical litany of American politicians. Banks had blamed secession on a tiny elite of rich planters and a Southern urban aristocracy. He thought that a "clear majority of the people were . . . opposed to the war and could you remove from the control of public opinion one or two thousand in each of these States . . . you would have a population in all of these States . . . loyal and true to the Government."

General Banks may have been inept, but his miscalculations were born of practical experience in Maryland and of assumptions about the social composition of Southern society. His conceit stemmed from memories of his role in one of the North's two big political successes early in the war, the retention of Maryland in the Union. His obstinacy in pursuing his political plan was rooted in a fairly systematic political philosophy which told him what Southern society was like. The deeper roots of the ineptitude, conceit, and obstinacy of the other characters in the Louisiana experiment likewise demand study.

There are limits to what any one historian can do. Mrs. Cox has done more than most. One need only think of the muddled state of scholarship on early Louisiana Reconstruction before her work — and that of McCrary and other recent scholars as well — to be grateful for the modern accomplishments in this field.

On February 10, 1982, the Civil War Round Table of New York City gave LaWanda Cox the Barondess/Lincoln Award for *Lincoln and Black Freedom*. She deserved it. Her book is a contribution to Lincoln scholarship that will last.



From the Louis A. Warren  
Lincoln Library and Museum

FIGURE 4. A photographer in New Orleans, E. Jacobs, took a picture of Banks and his staff in the spring of 1864. This woodcut was copied from it.



## RECONSTRUCTION IN LOUISIANA

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Received from  
Louisiana State Museum  
(See letter on Slavery file - 2/12/1996)



## TRAVEL ADVISORY

## A Look at the Reconstruction Era

Perhaps no period in American history is less known or less understood than Reconstruction, the turbulent period following the Civil War when, briefly, Southern blacks gained near equality with whites. Now in Richmond, the capital of the Confederacy, the Virginia Historical Society has opened a major exhi-

bition on Reconstruction.

Called "America's Reconstruction: People and Politics After the Civil War," the exhibition contains more than 250 photographs, artifacts and other memorabilia from that era. Some are momentous, such as a copy of the 14th Amendment, which made the Federal Govern-

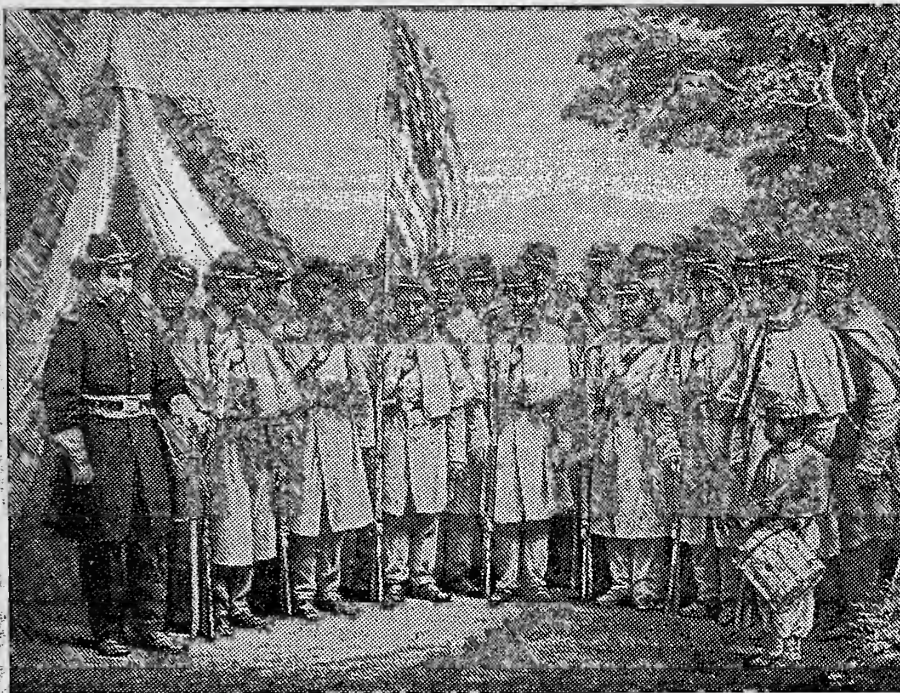
ment the guarantor of civil rights for all Americans. Some are poignant: a ticket to the Senate impeachment trial of President Andrew Johnson, who was nearly forced from office after he clashed with Republicans over the goals and strategies of Reconstruction, and a roster from one class at a school established for newly freed slaves in which the ages of the students range from 4 to 29.

The overall effect of the 3,000-square-foot exhibition is to highlight the eerie parallels between Reconstruction and the modern-day civil rights movements. There is a lithograph of blacks celebrating passage of the 15th Amendment which — as the Voting Rights Act was to do 100 years later — guaranteed them access to the ballot box. Also on display are a drawing of the South Carolina Constitutional Convention, where black and white delegates drew up a document that prohibited discrimination in public facilities, and an 1872 Currier & Ives print of the six black Representatives and one black United States Senator who served in the 41st Congress.

Some items indicate the retreat from the civil rights struggle of Reconstruction: narration explaining how Northern liberals grew tired of the battle for black rights; a broadside from the 1866 Pennsylvania campaign that charged the Freedman's Bureau with being an inefficient, corrupt antipoverty agency that was wasting taxpayers' money.

The exhibition is on view daily to Oct. 1. It will then travel to several Southern cities including Columbia, S.C., Atlanta, and Charlotte, N.C. Admission is \$4. Information: (804) 358-4901.

STEVEN A. HOLMES



Chicago Historical Society

A Union Army recruitment poster from 1863.



Vanderbilt

# LINCOLN'S POLICY

Schuyler Colfax

116. Letter written while Speaker, Apr. 4, 1866, about Johnson carrying out Lincoln's Policy. (ALS one page 5x8).

The President's friends insist he is carrying out Mr. Lincoln's policy. There was one member of Mr. Lincoln's Cabinet who tried to induce him to adopt the policy now at issue; but he failed with Mr. Lincoln and that good President publicly repudiated it. Here is the proof that one member has succeeded better with Mr. Lincoln's successor.

Sweet # 60

\$7.50



